

TEXAS GENERAL LAND OFFICE
COMMUNITY DEVELOPMENT BLOCK GRANT
DISASTER RECOVERY PROGRAM



COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

**CDBG DISASTER RECOVERY FUND:
HURRICANES DOLLY AND IKE**

NON-HOUSING ACTIVITIES APPLICATION GUIDE

ROUND 2.2 : Pool & MOD Applicants

REVISED November 1, 2011

Dear Applicant:

The Texas General Land Office (GLO) is pleased to announce that the 2008 Supplemental Disaster Recovery Fund Application and Guide for Round 2.2 non-housing recovery activities related to Hurricanes Dolly and Ike is now available.

You will notice several changes to the Application document. We have implemented a web based application (<https://derric.txdrec.org/>) submittal process that will increase efficiency in the review, award, and contract processes. Performance statement language will be taken directly from responses submitted in the application.

Other changes for Round 2.2 include:

- New shelters will not be eligible for funding
- Projects under Non-LMI National Objectives are eligible for funding
- All applicants (Entitlement and Non-entitlement communities) must identify service providers from GLO Master Lists
- Environmental costs will be funded using Grantee's CDBG DR Funds or local funds.
- Engineering Fees will be capped at 12% of Total Estimated Construction Cost
- Grant Administration (Project Delivery) costs capped at the greater of \$10,000 or 6% of CDBG DR funds requested.

The web-based application website is <https://derric.txdrec.org/>. Each applying entity is required to provide an Authorized Users List to the CDBG Disaster Recovery Program. To set up a list of authorized users or to obtain username and password, please go to www.glo.texas.gov to obtain user access forms and instructions.

This application is made available for CDBG Disaster Recovery Non-Housing Applicants under the Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, (Public Law 110-329), enacted on September 30, 2008 for the purpose of assisting in the recovery activities related to disaster relief, long-term recovery, and restoration of infrastructure, housing and economic revitalization in areas affected by Hurricanes Dolly and Ike.

The Land Office believes local knowledge of what needs to be done for recovery will be the determining factor in the long-term success of these funds. Accordingly, each selected applicant will be responsible for project development and day-to-day management under the oversight of the Land Office. Applicants must comply with the Housing and Urban Development (HUD) approved Conciliation Agreement regarding Case No. 06-10-0410-8 (Title VIII) and Case. No. 06-10-0410-9 (Section 109).

Disaster Recovery applicants and funded entities are required to carry out citizen participation procedures in accordance with the Citizen Participation Plan as described in this application guide. Applicants are cautioned that despite the expedited application process, they are still responsible for ensuring that all citizens have equal access to information about project activities. **Each applicant is required to conduct at least one (1) public hearing prior to submitting an application.** Applications must be submitted by the deadline outlined in the attached Application Guide.

Questions and comments about this guide or any other aspect of the Texas Community Development Block Grant Disaster Recovery Program should be addressed to the following location:

	Texas General Land Office
	CDBG Disaster Recovery Program
	ATTN: Dennis Ku
Mailing Address:	301 S. Congress Ave., Suite 600
	Austin, Texas 78701
Street Address:	301 S. Congress Ave, Suite 600, Austin, Tx 78701
Telephone Number:	866-206-1084
Fax Number:	512-447-5329
E-mail:	TXDRApplications@hntb.com

We look forward to working with you to provide assistance to those residents of Texas who are in need of the services and facilities eligible under this program.

Sincerely,

Jorge Ramirez, Director
CDBG Disaster Recovery Program

TABLE OF CONTENTS

**When using the electronic version of this guide, it is important to note that the Table of Contents is interactive. To go to a specific section simply place your cursor over the desired title, press and hold "Ctrl" on the keyboard, then click using your mouse.*

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM OVERVIEW	ERROR! BOOKMARK NOT DEFINED.
INTRODUCTION: SUPPLEMENTAL DISASTER RECOVERY APPROPRIATION	1
ACTION PLAN.....	1
APPLICATION DEADLINE AND SUBMITTAL REQUIREMENTS	1
ELIGIBLE APPLICANTS AND LOCATIONS	3
<i>ELIGIBLE COUNTY INSET MAP</i>	<i>5</i>
AWARD PROCEDURES	6
CITIZEN PARTICIPATION PLAN	7
<i>PLAN REQUIREMENTS.....</i>	<i>7</i>
LOCAL CERTIFICATIONS.....	8
FAIR HOUSING ACTIVITIES	10
DISASTER RECOVERY ENHANCEMENT FUND.....	10
PROJECT LENGTH	10
CONFLICT OF INTEREST STATEMENT	11
TYPES OF APPLICATIONS.....	11
<i>PROJECT DELIVERY</i>	<i>13</i>
FALSE INFORMATION ON APPLICATIONS.....	14
APPEALS PROCESS.....	ERROR! BOOKMARK NOT DEFINED.
DISASTER RECOVERY PROGRAM APPLICATION INSTRUCTIONS	14
<i>INTRODUCTION.....</i>	<i>14</i>
<i>OVERVIEW.....</i>	<i>14</i>
<i>APPLICANT DETAILS/424 FORM.....</i>	<i>15</i>
<i>PROJECT APPROVAL INFORMATION</i>	<i>16</i>
AFFIRMATIVELY FURTHERING FAIR HOUSING WORKSHEET	17
LONG-TERM PLANNING.....	17
PROJECT DETAILS.....	17
<i>TABLE 1</i>	<i>17</i>
<i>DISASTER RECOVERY PROGRAM PROJECT ACTIVITIES.....</i>	<i>18</i>
<i>TABLE 2 – BUDGET JUSTIFICATION</i>	<i>20</i>
<i>ENGINEERING ACTIVITY SCHEDULE</i>	<i>22</i>
<i>DESCRIPTION OF NEED BY PROJECT</i>	<i>22</i>
DISASTER RECOVERY ENHANCEMENT FUND (DREF) QUESTIONS	24
SITE SPECIFICS	24
PROJECT BENEFICIARY INFORMATION	25
ACTIVITY SPECIFIC QUESTIONS BY PROJECT	25
ACQUISITION IN SUPPORT OF OTHER PROJECTS	25
APPLICANT DISCLOSURE/ UPDATE REPORT	26
<i>PART 1 - APPLICANT/RECIPIENT INFORMATION</i>	<i>26</i>
<i>PART 2 – OTHER GOVERNMENT ASSISTANCE PROVIDED/REQUESTED</i>	<i>26</i>

PART 3 – INTERESTED PARTIES.....	27
PART 4 –REPORT ON EXPECTED SOURCES AND USES OF FUNDS	27
URGENT NEED FORM	28
POOL: NON-HOUSING	28
ATTACHMENTS / SUPPORTING DOCUMENTS / APPLICATION CHECKLIST	29
PROJECT MAP	29
ADDITIONAL ATTACHMENTS.....	30
ADDITIONAL INFORMATION.....	30
INELIGIBLE ACTIVITIES	30
ELIGIBLE ACTIVITIES	31
SURVEY, CENSUS, AND BENEFICIARY DATA RESOURCES	35
USE OF 2000 CENSUS DATA TO DETERMINE LOW/MODERATE INCOME BENEFIT	35
CDBG PROGRAM SURVEY QUESTIONNAIRE	36
IDENTIFYING PROJECT ACTIVITY BENEFICIARIES AND CRITERIA FOR NATIONAL PROGRAM OBJECTIVES ..	36
COMPLIANCE REQUIREMENTS	38
REPORTING	40
FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA).....	41

INTRODUCTION: SUPPLEMENTAL DISASTER RECOVERY APPROPRIATION

The CDBG Disaster Recovery Program was established in 2008 to implement the Supplemental Disaster Recovery Program for both **entitlement** and **nonentitlement** communities affected by Hurricane Dolly and Hurricane Ike.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. Law 110-329), enacted on September 30, 2008, appropriates \$6.5 billion through the Community Development Block Grant (CDBG) program for “necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure, housing, and economic revitalization in areas affected by hurricanes, floods, and other natural disasters occurring during 2008 for which the President declared a major disaster...”.

The U. S. Department of Housing and Urban Development (HUD) was designated by Congress as the administering agency. In October 2008, HUD reduced the amount of funding to \$6.1 billion in response to a budget rescission requirement from Congress. On November 28, 2008, HUD made an initial allocation to Texas for \$1,314,990,193. These funds are governed by the State of Texas Plan for Disaster Recovery and administered by the State as Round 1 activities. A second allocation of \$1,743,001,247 was made on August 14, 2010 for which the State of Texas Plan for Disaster Recovery- Revised Amendment No. 1 was submitted and approved by HUD. Activities administered under the Revised Amendment No. 1 for the second allocation are Round 2 activities, for which this Application Guide and Round 2.2 Application have been produced. Both entitlement and nonentitlement cities and counties in the affected areas are eligible for Supplemental Disaster Recovery funds as identified in this guide.

Round 2 funds may be used as a match so long as the project for which funding is requested complies with all other State and Federal requirements. The non-duplication of benefits restriction that prohibits the use of funds for activities reimbursable by FEMA or any other source remains in effect.

GLO is the state agency designated by the Governor and responsible to HUD for the grant administration of the CDBG disaster recovery funding. In this capacity, GLO will be responsible for execution of the CDBG grant award, development of the Action Plan, completion of quarterly reports, the associated letter of credit, and the end of the award report. GLO will also oversee the distribution of funds for public infrastructure, economic revitalization, and other non-housing projects as well as disaster recovery funding associated with housing.

ACTION PLAN

The requirements and procedures specified in the State of Texas Plan for Disaster Recovery- Revised Amendment No. 1 (the Action Plan) will govern the 2008 CDBG Disaster Recovery Fund application process for Round 2, including the applicant threshold requirements and eligibility parameters. Applicants are strongly encouraged to read the entire State of Texas Plan for Disaster Recovery- Revised Amendment No. 1, which includes the full text of the Conciliation Agreement, prior to completing and submitting an application for funding assistance. A copy of the Revised Amendment No. 1 may be obtained on the GLO website at www.GLO.texas.gov or requested in writing from GLO.

APPLICATION DEADLINE AND SUBMITTAL REQUIREMENTS

The procedures for the 2008 CDBG Disaster Recovery Fund Round 2.2 activities for construction, planning, and other non-housing projects are included in this Application Guide. The web-based application for Round 2.2 of the 2008 CDBG Disaster Recovery Funds is available on the application website at <https://derric.txdrec.org/> . Applicants needing additional assistance are encouraged to contact GLO.

The web-based application website is <https://derric.txdrec.org/> . Each applying entity is required to provide an Authorized Users List to the CDBG Disaster Recovery Program. To set up a list of authorized users or to obtain username and password, please go to www.glo.texas.gov to obtain user access forms and instructions.

Only applications targeting locally-identified priority programs in accordance with the completed and approved FFAST form will be accepted in Round 2.2.

Each eligible entity may submit one application for non-housing activities. Eligible entities include either cities or counties identified through the Method of Distribution (MOD) process for the Council of Governments (COG) region within which the applicant is located or as identified in the competitive Pool guidelines. Entities that are not cities or counties,

such as water supply corporations or municipal utility districts, may receive benefit as outlined in the Amendment No. 1; however a city or county jurisdiction must apply on their behalf.

The Round 2.2 Application has been reformatted to accommodate entities submitting an application that encompasses numerous activities and project areas. A **project** is defined as a discrete combination of: entity (i.e. city, county, water supply corporation), activity (i.e. water, sewer, etc.), beneficiary population, and national objective. An additional project is created when one or more of these factors is different. A **site** is defined as a discrete location for activities within a project. A project can have one or more sites. For example, one water project that consists of three generators throughout a city consists of three sites, one for each generator.

All applicants are required to follow the GLO procurement process for grant administration, environmental, and engineering services if using Disaster Recovery funds to pay third party vendor for those services.

All applicants must submit an application for the CDBG Disaster Recovery Fund Round 2.2 by **December 9, 2011**.

Delivery of the applications must be in accordance with the following guidelines:

Electronic Submission: All applications must be electronically submitted no later than 5:00 p.m. on the application deadline for the entity as established by GLO and posted on the web-based application website at <https://derric.txdrec.org/>. Upon completion of the web-based application, the user should ensure that all required attachments, including signed documents, are attached to the application and hit the "Submit" button.

If the applicant does not have an application website log-in, one may be secured by contacting TXDRtechsupport@hntb.com.

Questions regarding the application, application guide, or requests for more information should be directed to:

	Texas General Land Office
	CDBG Disaster Recovery Program
	ATTN: Dennis Ku
Mailing Address:	301 S. Congress Ave., Suite 600
	Austin, Texas 78701
Street Address:	301 S. Congress Ave, Suite 600, Austin, Tx 78701
Telephone Number:	866-206-1084
Fax Number:	512-447-5329
E-mail:	TXDRApplications@hntb.com

Any application that does not meet program requirements is subject to disqualification. An applicant from any of the four regions listed in the Methods of Distribution section may not submit an application prior to GLO's approval of the appropriate Council of Governments (COG) Method of Distribution (MOD) as it relates to the applicant's allocation of funds. The applicant's funding allocation must be identified as an approved allocation amount and activity, if identified, in the relevant MOD(s). In addition, the amount of the applicant's request must not exceed the non-housing amount identified to it in the MOD or in the Pool criteria for applicants from the seven region Pool area. Applications must contain the information needed by GLO staff to make a determination concerning the eligibility of the activity (e.g., impact of hurricane occurring during 2008 for which the President declared a major disaster) and compliance with CDBG Disaster Recovery and Federal program requirements (e.g., fair housing activities and national objectives).

Applicants with multiple deficiencies upon submittal may be placed at the end of the queue for review. This may result in delays and in some circumstances may lead to failure to secure funding under Round 2.2. **Applications will be disqualified if the applicant does not respond, refuses to respond, or does not provide an adequate response to requests for revisions or additional information within the prescribed timelines or if the applicant fails to comply with the CDBG DR census and/or survey requirements.**

Each applicant should select only one engineering firm. If a firm lacks in-house expertise for a particular project or capacity to perform in a timely manner, GLO's preference is that the applicant select a firm willing to acquire sub-consultants to meet these needs. GLO will consider allowing applicants to select more than one engineer where work load or the need for technical expertise justifies more than one engineer to be used. The applicant must provide written justification explaining why multiple engineering firms must be utilized.

ELIGIBLE APPLICANTS AND LOCATIONS

Eligible grantees will consist of entities located within, or performing activities within the counties declared disaster areas with major disaster declarations in 2008 as of December 1, 2008 (FEMA-1780-DR and FEMA-1791-DR). Eligible entities include city and county governments, and PHAs that are identified in the Method of Distribution process established by the Council of Governments (COGs) for the applicant region and approved by GLO or eligible to apply for Pool funds.

Pool

Eligible Applicants are cities and counties that are eligible to be grantees for 2008 Supplemental Disaster Recovery funding and are located within the Arkansas-Texas Council of Governments (ATCOG), Coastal Bend Council of Governments (CBCOG), Central Texas Council of Governments (CTCOG), Brazos Valley Council of Governments (BVCOG), East Texas Council of Governments (ETCOG), Golden Crescent Regional Planning Commission (GCRPC) and South Texas Development Council (STDC) Council of Governments regions.

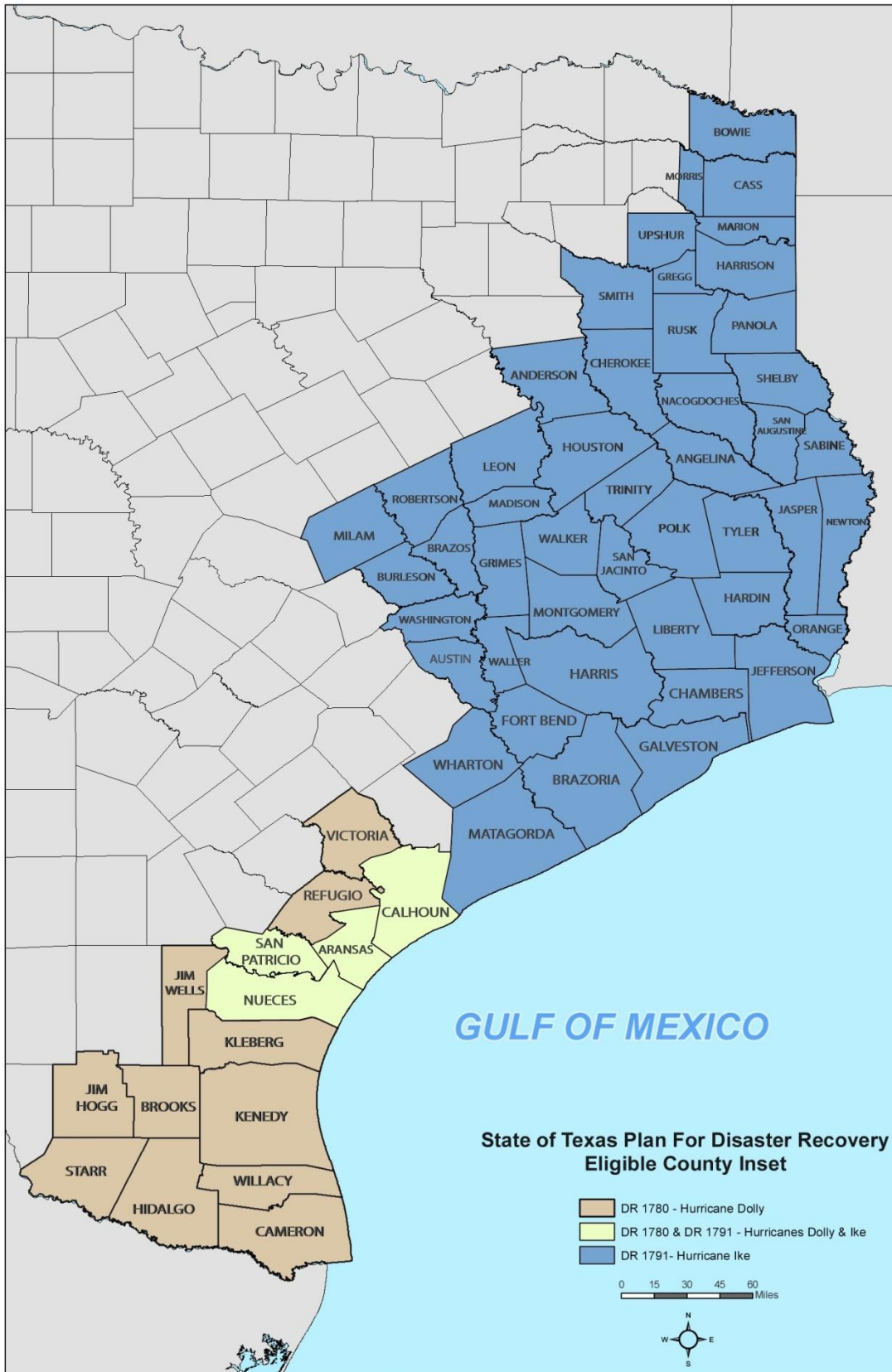
Methods of Distribution

Eligible entities include city and county governments that are identified in the Phase 2 Method of Distribution process established by the Councils of Governments (COGs) for the Houston-Galveston Area Council (HGAC), South East Texas Regional Planning Commission (SETRPC), the Lower Rio Grande Valley Development Council (LRGVDC), and the Deep East Texas Council of Governments (DETCOG).

ELIGIBLE COUNTIES: (See *Eligible County Inset Map for a visual representation*)
Hurricane Dolly (FEMA-1780-DR) and Hurricane Ike (FEMA-1791-DR)

Anderson	Hidalgo	Polk
Angelina	Houston	Refugio
Aransas	Jasper	Robertson
Austin	Jefferson	Rusk
Bowie	Jim Hogg	Sabine
Brazoria	Jim Wells	San Augustine
Brazos	Kenedy	San Jacinto
Brooks	Kleberg	San Patricio
Burleson	Leon	Shelby
Calhoun	Liberty	Smith
Cameron	Madison	Starr
Cass	Marion	Trinity
Chambers	Matagorda	Tyler
Cherokee	Milam	Upshur
Fort Bend	Montgomery	Victoria
Galveston	Morris	Walker
Gregg	Nacogdoches	Waller
Grimes	Newton	Washington
Hardin	Nueces	Wharton
Harris	Orange	Willacy
Harrison	Panola	

ELIGIBLE COUNTY INSET MAP



AWARD PROCEDURES

2008 Supplemental Disaster Recovery Fund eligible applicants are identified in the applicable Round 2.2 Methods of Distribution (MODs) or are located in regions eligible for Pool funds as described in the State of Texas Plan for Disaster Recovery- Revised Amendment No. 1.

All applications will be reviewed by GLO staff or its assigned representatives to determine if the application is complete, activities proposed are eligible, meet a national program objective, and meet program requirements as stated below. The applicants will then be notified of the final funding recommendations.

The application review and award procedures consist of the following steps:

1. Submission Of Applications By Eligible Applicants.

Each eligible entity must submit **one electronic** application for non-housing activities to the prescribed website (<https://derric.txdrec.org/>) prior to the application due date.

2. Review Of Applications For Completeness And Eligibility Of Proposed Activities.

Upon receipt of an application, the GLO staff or its assigned representatives will perform a completeness and eligibility review to determine whether the application is complete and whether all proposed activities are program eligible.

If the application does not include all required information, staff will contact the entity or locality and explain the deficiencies that have been discovered and how they must be addressed. A response correcting the deficiencies must be submitted to GLO within ten (10) calendar days from the date of contact.

This review will be conducted via the online application website and may require the applicant to correct, clarify and resubmit deficient documents electronically.

3. GLO Notifies Applicants of Award Recommendations or Failure to Fund.

- i. Once the application has been reviewed and all activities are determined eligible and in compliance with program requirements, GLO will notify the applicant that it has been recommended to receive an award under the Disaster Recovery Program.

4. Appeal Procedures.

The appeals procedure available to 2008 Supplemental Disaster Recovery applicants is described on the GLO website (www.glo.texas.gov).

5. GLO Staff Submits Funding Recommendations to the Program Director (Director).

Following the final technical review, GLO staff will make funding recommendations to the Director.

6. The Director Reviews the Funding Recommendations. An Action Item Is Signed by the Director Regarding the Applications Selected for Funding.

7. GLO Staff Works With Recipients To Execute Contract Agreements.

Upon the announcement of awards, GLO staff will begin working with the recipients to execute contract agreements. While the award must be based on the information included in the entity's application, GLO may negotiate any technical elements with the recipient so long as the award amount is not increased and the level of benefits described in the application is not decreased.

CITIZEN PARTICIPATION PLAN

A grant to a locality under the CDBG Disaster Recovery Program may be awarded only if the locality certifies that it is following a detailed citizen participation plan that provides for and encourages citizen participation at all stages of the disaster recovery program.

CDBG Disaster Recovery applicants and funded entities are required to carry out citizen participation procedures in accordance with the Citizen Participation Plan as described in this application guide. Each applicant certifies, by signing the Form 424, that it has and will comply with the requirements of the Citizen Participation Plan as stated in this section. Each applicant is required to conduct at least one (1) public hearing prior to submitting an application.

Each applicant must maintain a citizen participation file which includes a copy of the Plan Requirements below; the applicant's complaint procedures; any technical assistance provided by the applicant; and public notices, minutes, and attendance lists for any public hearings. Applicants are cautioned that despite the expedited application process, they are still responsible for ensuring that all citizens have equal access to information about project activities.

PLAN REQUIREMENTS

The Plan Requirements include the following:

1. Outreach Efforts: Provide for reasonable public notice, appraisal, examination, and comment on the activities proposed for the use of CDBG Disaster Recovery funds. These efforts shall include:
 - i. Provide for and encourage citizen participation, particularly by low and moderate income persons who reside in slum or blighted areas and areas in which CDBG Disaster Recovery funds are proposed to be used; and
 - ii. Ensure that citizens will be given reasonable and timely access to local meetings, information, and records relating to an entity's proposed and actual use of CDBG Disaster Recovery funds;
 - iii. Furnish citizens information, including but not limited to:
 - a. The amount of CDBG Disaster Recovery funds expected to be made available;
 - b. The range of activities that may be undertaken with the CDBG Disaster Recovery funds;
 - c. The estimated amount of the CDBG Disaster Recovery funds proposed to be used for activities that will meet the national objective of benefit to low and moderate income persons; and
 - d. If applicable, the proposed CDBG Disaster Recovery activities likely to result in displacement and the entity's anti-displacement and relocation plan.
 - iv. Provide citizens with reasonable advance notice of, and opportunity to comment on, proposed activities in an application to the state and, for grants already made, activities which are proposed to be added, delete or substantially changed from the entity's application to the state. Substantially changed means changes made in terms of purpose, scope, location or beneficiaries as defined by criteria established by the state.
 - v. These outreach efforts may be accomplished through one or more of the following methods:
 - a. Publication of notice in a local newspaper. A published newspaper article may also be used so long as it provides sufficient information regarding program activities and relevant dates;
 - b. Notices prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups;
 - c. Posting of notice on the local entity website (if available);
 - d. Public Hearing; or
 - e. Individual notice to eligible cities and other entities as applicable using one or more of the following methods:
 - i. Certified mail
 - ii. Electronic mail or fax
 - iii. First class (regular) mail
 - iv. Personal delivery (e.g., at a Council of Governments [COG] meeting);

The applicant must submit to GLO at DRSRound2Postings@hntb.com any notices of public hearings the applicant may have that relate to the administration of Hurricane Recovery funds that are provided to the applicant. GLO will post such notices received on its website. If such notices are posted on the local entity website, the applicant must submit a copy of the World Wide Web address (example: www.example.com).

2. Complaint Procedures: The applicant/recipient must have written citizen complaint procedures that provide a timely written response (within 15 working days) to complaints and grievances. Citizens must be made aware of the location and the days and hours when the location is open for business so they may obtain a copy of these written procedures.

3. **Technical Assistance:** When requested, the applicant/recipient shall provide technical assistance to groups representative of persons of low and moderate income in developing proposals for the use of CDBG Disaster Recovery funds. The level and type of assistance shall be determined by the applicant/recipient based upon the specific needs of the community's residents.
4. **Public Hearing Provisions:** Although the Federal Notice [Docket No. FR-5256-N-01] regarding *Disaster Recovery Grantees Under 2008 Supplemental CDBG Appropriations* specifically removes the mandate for public hearings at either the state or local government level for projects proposed under this Fund, the applicant is **required** to conduct at least one (1) public hearing prior to submitting an application. For each public hearing scheduled and conducted by a Disaster Recovery applicant or recipient, the following public hearing provisions shall be observed:
 - i. Public notice of any hearings must be published at least seventy-two (72) hours prior to the scheduled hearing. The public notice must be published in a local newspaper. Each public notice **MUST** include the DATE, TIME, LOCATION and TOPICS to be considered at the public hearing. A published newspaper article may also be used to meet this requirement so long as it meets all content and timing requirements. Notices should also be prominently posted in public buildings and distributed to local Public Housing Authorities and other interested community groups.
 - ii. Each public hearing shall be held at a time and location convenient to potential or actual beneficiaries and will include accommodation for persons with disabilities. Persons with disabilities must be able to attend the hearings and an applicant must make arrangements for individuals who require auxiliary aids or services if contacted at least two days prior to each hearing.
 - iii. When a significant number of non-English speaking residents can be reasonably expected to participate in a public hearing, an interpreter will be present to accommodate the needs of the non-English speaking residents.
 - iv. Applicants may conduct a public hearing via webinar if they also follow the provisions of sections i-iii above. If the webinar is used to conduct a public hearing, a physical location with associated reasonable accommodations must be made available for citizens to participate so as to ensure that those individuals without necessary technology are able to participate.

The applicant must also comply with the following citizen participation requirements in the event that the applicant receives funding from the Community Development Block Grant Disaster Recovery Program:

1. The locality is highly encouraged to hold a public hearing concerning any substantial change, as determined by GLO, proposed to be made in the use of CDBG Disaster Recovery funds from one eligible activity to another.
2. Upon completion of the community development program activities, the locality is encouraged to hold a public hearing and review its program performance, including the actual use of CDBG Disaster Recovery funds.
3. If applicable, the locality must retain documentation of the hearing notice(s), attendance lists, minutes of the hearing(s), and any other records concerning the actual use of funds for a period of three years after the project is closed out. Such records must be made available to the public in accordance with Chapter 552, Government Code.

The applicant must submit to GLO at DRSRound2Postings@hntb.com all notices of any public hearings or requests for public comment the applicant may have that relates to the administration of Hurricane Recovery funds that are provided to the applicant. GLO will post such notices received on its website. Such postings will not fulfill the applicant's responsibility under Chapter 551 of the Texas Government Code. The applicant certifies compliance with these Citizen Participation Plan requirements by signing the 424 FORM.

LOCAL CERTIFICATIONS

Each applicant for CDBG Disaster Recovery funding must certify by signing the 424 Form that Local Certifications included in this Application Guide have been followed in the preparation of any CDBG Disaster Recovery Program application and that they will continue to be followed in the event of funding. *(Note: False certification can result in legal action against the jurisdiction).*

Each applicant must comply with the provisions of the National Environmental Policy Act, Council on Environmental Quality regulations, as well as the requirements set forth in Title 24 Code of Federal Regulations Part 58 and applicable GLO policy directives. All applicable federal and state laws, including environmental, labor (Davis-Bacon), procurement procedures, and civil rights requirements apply to the use of these funds.

With respect to the expenditure of funds provided under a CDBG Disaster Recovery contract, each CDBG Disaster Recovery grantee is required to certify that:

1. It will minimize displacement of persons as a result of activities assisted with such funds.
2. The program will be conducted and administered in conformity with Title VI of the Civil Rights Act of 1964 (42 USC 2000d et seq.) and the Fair Housing Act (42 USC 3601-3619), and that it will affirmatively further fair housing, as specified by GLO.
3. It will provide for opportunities for citizen participation and access to information with respect to its disaster recovery programs and it is following GLO's CDBG Disaster Recovery Program Citizen Participation Plan.
4. It will not attempt to recover any capital costs of public improvements assisted in whole or in part with CDBG Disaster Recovery funds by assessing any amount against properties owned and occupied by persons of low to moderate income, including any fee charged or assessment made as a condition of obtaining access to such public improvements unless: (A) disaster recovery grant funds are used to pay the proportion of such fee or assessment related to the capital costs of such public improvements that are financed from revenue sources other than such funds; or (B) for purposes of assessing any amount against properties owned and occupied by persons of low and moderate income who are not persons of very low income, the grantee certifies that it lacks sufficient funds under this contract to comply with the requirements of clause (A).
5. It will comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, with provisions as waived under the Federal Register / Vol. 74, No. 29 / Friday, February 13, 2009, regarding *Disaster Recovery Grantees Under 2008 Supplemental CDBG Appropriations* and will follow a residential anti-displacement and relocation assistance plan, as specified by GLO, in the event that displacement of residential dwellings will occur in connection with a project assisted with CDBG Disaster Recovery funds.
6. It has adopted or will adopt and enforce a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in nonviolent civil rights demonstrations; and that it has adopted or will adopt and enforce applicable State and local laws against physically barring entrance to or exit from a facility or location which is the subject of such nonviolent civil rights demonstrations within its jurisdiction.
7. To the best of the CDBG Disaster Recovery grantee's knowledge and belief:
 - (A) No Federal appropriated funds have been paid or will be paid, by or on behalf of the CDBG Disaster Recovery grantee, to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement.
 - (B) If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a member of Congress, an officer or employee of Congress, or an employee of a member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, the CDBG Disaster Recovery grantee shall complete and submit Standard Form-LLL, "Disclosure Form To Report Lobbying", in accordance with its instructions.
 - (C) The CDBG Disaster Recovery grantee shall require that the language of this certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.
8. Funds will be used solely for necessary expenses related to disaster relief, long-term recovery, and restoration of infrastructure in areas covered by a declaration of major disaster under Title IV of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5121 et seq.) as a result of natural disasters that occurred and were declared in 2008.
9. CDBG Disaster Recovery funds will not be used for any activity in an area designated as a special flood hazard area on the current Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map or Flood Hazard Boundary Map, unless it also ensures that the action is designed or modified to minimize harm to or within the floodplain, in accordance with Executive Order 11988, 24 CFR Part 55, 44 CFR 60.3, and any local floodplain management regulations.
10. It will comply with Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.
11. It will comply with applicable laws.

FAIR HOUSING ACTIVITIES

Any locality receiving funds under the 2008 Supplemental Disaster Recovery Fund must certify that it will Affirmatively Further Fair Housing (AFFH). Only projects that are consistent with requirements under the Conciliation Agreement, HUD's current fair housing guidance, and the state's and communities' obligations to ***affirmatively further fair housing*** may be funded.

In addition, each funded locality must conduct at least one additional Fair Housing activity during the contract period, even if the locality is currently undertaking qualified fair housing activities. Several activities that qualify as affirmatively furthering fair housing are listed in the Affirmatively Furthering Fair Housing Worksheet of the Application. Additional qualified activities include, but are not limited to, the following:

- Cities may pass a fair housing ordinance, develop procedures for implementation and publicize the ordinance and complaint procedures.
- Counties may adopt written fair housing policies and procedures that are equivalent to a fair housing ordinance, develop procedures for implementation and publicize the ordinance and complaint procedures.
- Establish a written local complaint and monitoring process and educate the public how to make complaints and assist in the monitoring process.
- The initiation of a fair housing counseling referral service that provides housing choices outside historically minority and/or low-to-moderate income neighborhoods, to be evidenced by adoption of written procedures and publication of the availability of such service.
- The completion of a community-wide housing analysis to determine impediments to fair housing and actions to eliminate these impediments.

Applicants should be aware that projects and programs will be subject to detailed review by GLO to assure they are consistent with the Conciliation Agreement, HUD's current fair housing guidance, and the state's and communities' obligations to affirmatively further fair housing.

DISASTER RECOVERY ENHANCEMENT FUND

In order to maximize the Disaster Recovery Enhancement Fund (DREF) allocation to the State and provide additional disaster recovery resources to communities in need, GLO encourages applicants to consider specific enhanced disaster recovery activities, when feasible, that reduce the risk of damage from a future disaster, such as:

- Development and adoption of a forward-thinking land-use plan that will guide use of long-term recovery efforts and subsequent land-use decisions throughout the community and that reduces existing or future development in disaster-risk areas;
- Floodplain or critical fire or seismic hazard area buyouts programs under an optional relocation plan that includes incentives so that families and private sector employers move out of areas at severe risk for a future disaster;
- Individual mitigation measures (IMM) to improve residential properties and make them less prone to damage. If such activities are incorporated into the grantee's rehabilitation or new construction programs generally, only the cost increment attributed to IMM will be the amount considered for DREF eligibility; or
- Implementation of modern disaster resistant building codes, including, but not limited to, training on new standards and code enforcement.

In order for the State or applicant to receive DREF set-aside funds, application information regarding DREF eligibility must be entered in the Description of Need by Project page for each project.

PROJECT LENGTH

In the interest of expediting the expenditure, utilization, and, where provided for, recovery of program funds, contract terms with entities receiving grant awards will generally be two years or less. Understanding that events beyond the control of the contractor may occur throughout the term of the contract, GLO will have the ability to grant contract term extensions when a specific circumstance warrants and the applicable program requirements can still be met. Contract amendments within other contract terms and conditions will be considered on a case-by-case basis with consideration of all relevant factors, including the original eligibility requirements of the award and the stated goals and timelines.

In instances where large-scale damage necessitates a massive or multi-faceted recovery process with a long recovery period, such as the devastation of an identified area, the immediate need of safe and sanitary housing on a significant scale, the decimation of an industry, medical facilities, or the destruction of a major public infrastructure system, the complexity and scope of such a scenario shall be considered in the contract term and/or amendment process requested by the grantee.

Funds recaptured under the Supplemental Disaster Recovery Fund from the withdrawal of an award remain available to potential CDBG Disaster Recovery Fund applicants as determined by GLO.

CONFLICT OF INTEREST STATEMENT

Under the conflict of interest provisions at 24 CFR 570.489 (h), which are included in the regulations governing state administration of Community Development Block Grant (CDBG) nonentitlement funds (24 CFR 570, Subpart I), no persons who exercise or have exercised any function or responsibilities with respect to GLO Disaster Recovery activities, or who are in a position to participate in a decision making process, or gain inside information regarding GLO Disaster Recovery activities, may obtain a financial interest or benefit from the activity, or have interest in any contract, subcontract, or agreement, or the proceeds thereunder, either for themselves or those with whom they have family or business ties, during their tenure, or for one year thereafter.

These conflict of interest provisions apply to any person who is an employee, agent, consultant, officer, or elected official of the state, or of a unit of general local government, or of any designated public agencies, or sub-recipients which are receiving CDBG funds, and shall apply to **nonentitlement and entitlement** entities.

Under these provisions, a conflict of interest would exist (family member receiving benefit from an activity) if a member of a mayor's family was selected to receive housing rehabilitation assistance through a city program financed with GLO Disaster Recovery funds. Another example where a conflict of interest would exist (business ties) is a situation where a consultant, who is employed by an engineering firm, has been selected by a city to provide grant administration services and the city is considering the selection of an engineer from that same firm to provide grant engineering services.

GLO may grant an exception to the conflict of interest provisions on a case-by-case basis if it is determined that such exception will serve to further the purpose of the CDBG Disaster Recovery Program and the effective and efficient administration of the project.

TYPES OF APPLICATIONS

Single Jurisdiction Applications

A single eligible applicant (city or county) may submit one application for funding if the project beneficiaries are limited to persons located within the applicant's jurisdiction. For an incorporated city, the beneficiaries would generally be limited to persons located within the city limits. An incorporated city may submit a single jurisdiction application that includes activities benefitting persons located within the extra-territorial jurisdiction (ETJ) of the city. However, the applicant must describe how the activity benefitting persons located in the ETJ is meeting the applicant's disaster recovery needs, including the needs of low-to-moderate income persons. An incorporated city may not submit a single jurisdiction application that includes beneficiaries located both inside of the city and outside of the city's ETJ. In this case, the city and the county where the unincorporated area is located would be required to submit a multi-jurisdiction application. For a county, the beneficiaries would generally be limited to persons located in unincorporated areas within the county (for target area projects) or countywide (possibly for projects such as a neighborhood facility/ shelter improvements). However, a county may submit a single jurisdiction application on behalf of an incorporated city located within the county as long as the application adheres to the following guidelines and requirements:

- The activities proposed in the application benefit the incorporated city's residents and the proposed activities provide improvements to a publicly-owned facility or privately-owned utility that is not owned or operated by the incorporated city on whose behalf the county has submitted the application. As an example, a county could submit an application on behalf of an incorporated city that does not own or operate the water system that serves the city's residents, when the water system is owned and operated by an entity such as a public water supply corporation, and the proposed activities in the application are for water system improvements that benefit the city's residents. The city's residents are the beneficiaries of the application activities, but the improvements would become the property of the public water supply corporation.
- The persons benefitting from the application activities must be located within the city's corporate limits and/or within the city's ETJ.

- The incorporated city must adopt and submit an interlocal agreement or memorandum of understanding (with the Disaster Recovery application) authorizing the county to submit the application on behalf of the city.
- The county will be the grantee and the party responsible for compliance with all program requirements.
- The county or the incorporated city that the county applied on behalf of cannot submit another single jurisdiction application or be a participating jurisdiction in a multi-jurisdiction application for another project.
- The incorporated city's demographic information will be used for the scoring of selection criteria, if applicable.

A county may submit a single jurisdiction application for a countywide activity that includes project benefit to unincorporated areas and incorporated cities located in the county when the following CDBG Disaster Recovery Program guidelines and requirements are met:

- The proposed activities in the application benefit county residents in the unincorporated areas of the county and county residents in incorporated cities located in the county (i.e., the actual rehabilitated facilities under the countywide program must be located in or provide benefit to county unincorporated areas and within each incorporated city included as a participant in the countywide disaster recovery program).
- The county will be the grantee and the party responsible for compliance with all program requirements.
- The county unincorporated area demographic information and each participating incorporated city's demographic information will be used for the scoring of selection criteria, if applicable.

Counties submitting applications for activities with beneficiaries in incorporated cities within the county must provide a Memorandum of Understanding or Interlocal Agreement signed by the county and the city authorizing the provision of such services. Cities and counties submitting applications on behalf of third-party entities, such as water supply corporations or municipal utility districts, must provide a Memorandum of Understanding or Interlocal Agreement signed by the city or county and the third-party entity authorizing the provision of such services.

Multi-Jurisdiction Applications

Two or more eligible applicants may submit a joint application for funding when the project beneficiaries are persons located within more than one unit of general local government. The requirements for multi-jurisdiction applications are:

- The locations of the beneficiaries and the locations of the proposed activities must be within the applicant's jurisdictions; and
- A proposed project that includes an activity located in more than one jurisdiction or that includes beneficiaries from more than one jurisdiction must be submitted as a multi-jurisdiction application. Exceptions to this requirement are the ETJ provision allowed by the CDBG Disaster Recovery Program (CDBG-DR) for incorporated municipalities under single jurisdiction applications and the county exceptions described under single jurisdiction applications.

In order for a multi-jurisdiction application to be eligible for consideration for CDBG-DR funding, a multi-jurisdiction application must mutually benefit residents of the applicant localities and cannot be submitted solely on the basis of administrative convenience, i.e., there must be a physical need for such a project (location, area to be served, etc.). An example of an eligible multi-jurisdiction application would be construction of a sanitary sewer treatment facility to serve households in two applicant cities.

Additional criteria that must be met by multi-jurisdiction applicants are:

- The multi-jurisdiction applicants shall determine which one of the participating units of general local government will be authorized (the authorized applicant) to act in a representative capacity for all of the participating units. For the Pool fund, the applicant of record (authorized applicant) shall be the unit of local government where the majority of the application activity beneficiaries are located, regardless of which jurisdiction owns the system/ facility. An interlocal agreement would be required between the authorized applicant and the owner of the system.
- Each authorized applicant must submit a signed 424 Form and be responsible for compliance with the Local Certifications therein.

- Each authorized applicant must perform AFFH activities for each of the participating jurisdictions.
- The authorized applicant jurisdiction and each of the other participating jurisdictions must meet the citizen participation requirements as applicable.
- The authorized applicant assumes overall responsibility for ensuring that the application activities will be carried out in accordance with statutory requirements. In order to accomplish this, the authorized applicant must enter into a legally binding cooperation agreement with each participant that includes the above criteria.
- All jurisdictions participating within the multi-jurisdiction application must be CDBG-DR eligible.

Single Project Applications

Applicants may submit applications that include a single project such as sewer improvements, water improvements, drainage, roads, community centers, etc. A single project (e.g., drainage activities and related road repair) may include some ancillary activities, such as repair of streets under which drainage lines were placed, and still be considered a single activity project (in this example, the entire project would be drainage). Projects must be designed in accordance with the MOD or Pool requirements, as applicable.

Multi-Project Applications

Applicants may submit applications that include multiple project activities addressing the applicant's public facilities and public services, etc. needs. On Table 1 of the Application, the budgets and all related information for each project must appear separately. Projects must be designed in accordance with the MOD or Pool requirements, as applicable.

If any requirement detailed in this section “Types of Applications” is in contradiction to the Pool or Method of Distribution (MOD) provisions regarding single or multi-jurisdiction applications, then the provisions outlined in the Pool or MOD shall prevail.

PROJECT DELIVERY

The applicant may choose to self-administer, utilize a third-party grant administrator, or a combination of self-administration and third-party administration. All applicants are required to follow the GLO procurement process for grant administration services if using Disaster Recovery funds to pay for those services. This means that applicants may only identify the three preferred qualified grant administrators in order of preference from the GLO Master List if using grant funds to pay for those services.

Project delivery (PD) fees are capped at maximum rates based on the fixed rate pricing limits as follows:

- The total of third party grant administration and in-house grant administration Project Delivery costs must be less than or equal to the greater of \$10,000 or six percent (6%) of the total amount of CDBG-DR funds requested.
- Environmental Project Delivery costs must be allocated as follows: \$9,000 for a single project application, or \$5,000 per project for multi-project applications.
- Project delivery may include but is not limited to grant administrator fees, costs of in-house staff administering the grant, and environmental review funding. Applicants may choose to utilize a portion of their project delivery grant funds for their single audit and/or to pay for city/county staff administering the grant.
- The portion of funds allocated between third-party grant administrator fees and in-house (i.e. local) costs must be clearly identified in the application. In-house or local means city, county or direct grantee regular employee, excluding contracted employees.

All applicants must identify the amount of project delivery grant funds that will be utilized for environmental review activities. The final allowable cost for this line item is subject to approval by GLO CDBG DR Program staff.

Total project delivery costs combined (third-party, in-house, and environmental if applicable) cannot exceed the maximum cap as outlined above in this application guide.

FALSE INFORMATION ON APPLICATIONS

The following actions may be taken, as appropriate, where GLO finds that an applicant provided false information in its application for CDBG Disaster Recovery funding.

If the applicant provides false information in a CDBG Supplemental Disaster Recovery Fund application that would affect program eligibility, or false beneficiary information that increases the number or percentage of potential beneficiaries, the GLO staff shall make a recommendation for action to the Program Director.

Actions that the Program Director may take include, but are not limited to:

1. Disqualification of the application and holding the locality ineligible to apply for CDBG Disaster Recovery Program funding for a period of at least one year not to exceed two program years.
2. Even if an award has been made, the locality may be liable for funds expended if adjustment to the information would have resulted in program ineligibility for the purpose of funding.
3. Referral to the HUD Office of the Inspector General (OIG) for further resolution.

DISASTER RECOVERY PROGRAM APPLICATION INSTRUCTIONS

Many of the “Yes” and “No” check-boxes throughout the application will trigger the appearance of secondary questions based on an applicant’s response. The applicant must ensure that all secondary questions are also answered. If an applicant clicks on a check-box unintentionally and a set of secondary questions appears, the applicant may simply click the same check-box again or click the other radio button response to remove the secondary questions from view.

INTRODUCTION

The preparer must enter the applicant name and select the Council of Governments (COG) region the applicant is located in. The name entered on this cover sheet will be reproduced and appear on other pages throughout the application.

OVERVIEW

The Overview provides the applicant with several broad points:

1. This application is for **non-housing** activities.

All activities must have documented proof of an impact by a major natural disaster declared in 2008. There must be a clear and compelling need related to a major natural disaster declaration, hurricane disaster relief, long-term recovery and/or restoration of infrastructure. An activity underway prior to a Presidential disaster declaration will not qualify unless it can be shown that the disaster impacted the project.

All eligible activities will be allowed so long as the activity is directly related to a major natural disaster declaration in 2008 through actual damage or a failure to function and is allowed under the State of Texas Plan Amendment No. 1 for Disaster Recovery.

2. Applicants are encouraged to develop their community recovery projects in a manner that considers an integrated approach to housing, Fair Housing obligations, economic revitalization, and overall community recovery. Consideration of long-term planning processes is also highly encouraged.

3. GLO is committed to Affirmatively Furthering Fair Housing (AFFH). Round 2.2 projects and programs will be subject to detailed review by GLO to assure they are consistent with the Conciliation Agreement, HUD’s current fair housing guidance, and the state’s and communities’ obligations to affirmatively further fair housing.

APPLICANT DETAILS/424 FORM

The sections in these instructions coincide with the areas on the 424 Form.

1. TYPE OF SUBMISSION - Under the Application Column, indicate whether the application is for Construction or Non-Construction activities.

2-4. FOR GLO OFFICE USE ONLY – NOT SHOWN

5. APPLICANT ADDRESS AND PREPARER INFORMATION - Provide the Legal Name (e.g., County of ABC, ABC County) and the Organizational Unit (can be the same as the Legal Name). Please provide the applicant's Address including the mailing address, city, state, zip code, and the county or counties in which the applicant's jurisdiction is/are located. Also, please provide the name (including agency or company name), address, and telephone number of the application preparer.
6. EMPLOYER IDENTIFICATION NUMBER - Enter the Employer or Taxpayer Identification Number (EIN or TIN) as assigned by the Internal Revenue Service. If your organization is not in the US, enter 44-4444444.
- 6a. DUNS NUMBER - Enter the organization's DUNS or DUNS+4 number received from Dun and Bradstreet. Information on obtaining a DUNS number may be obtained by visiting the Grants.gov website.
7. TYPE OF APPLICANT – Select the appropriate applicant type from the dropdown menu.

A. State Government	B. County Government	C. City or Township Government	D. Special District Government
E. Regional Organization	F. U.S. Territory or Possession	G. Independent School District	H. Public/State Controlled Institution of Higher Education
I. Indian/Native American Tribal Government (Federally Recognized)	J. Indian/Native American Tribal Government (Other than Federally Recognized)	K. Indian/Native American Tribally Designated Organization	L. Public/Indian Housing Authority
M. Nonprofit with 501C3 IRS Status	N. Nonprofit without 501C3 IRS Status	O. Private Institution of Higher Education	P. Individual
Q. For-Profit Organization (Other than Small Business)	R. Small Business	S. Hispanic-serving Institution	T. Historically Black Colleges and Universities (HBCUs)
U. Tribally Controlled Colleges and Universities (TCCUs)	V. Alaska Native and Native Hawaiian Serving Institutions	W. Non-domestic (non-US) Entity	X. Other (specify)

8. TYPE OF APPLICATION – Check the appropriate box.
9. ALREADY COMPLETED FOR THE APPLICANT – No input necessary
10. ALREADY COMPLETED FOR THE APPLICANT – No input necessary
11. DESCRIPTIVE TITLE OF APPLICANT'S PROJECT - Not Used.
- 11a. TYPE OF APPLICATION - ALREADY COMPLETED FOR THE APPLICANT (No Input Necessary)
12. TARGET AREA(S) AFFECTED BY THE PROJECT - Provide a description of the areas of the county affected by the project. For a county, an acceptable description would be: "The ABC Community In Southeast XYZ County," "The ABC Community and LMN Community In XYZ County," "The ABC Water Supply Corporation Service Area," "The A, B, C, and D Subdivisions of XYZ County."
13. APPLICANT'S FISCAL YEAR - Indicate the beginning and end dates of the applicant's fiscal year (MM/DD) from the pop-up calendar.
14. CONGRESSIONAL DISTRICTS OF - Select the applicant's Congressional District and all District(s) affected by the program or project.
15. Environmental Projects and Sites – Enter the number of projects included in the application. The amount of grantee funds that must be assigned to cover the environmental costs is then calculated. The applicant then must identify the amount of CDBG DR Funds that will be used for environmental services to be provided by in-house staff, if any.

16. ESTIMATED FUNDING -

<u>a. CDBG DR Request:</u> Applicant's CDBG DR request.	<u>e. Local:</u> Any funds committed from local resources such as a WSC, WCID, MUD, or any other local group.
<u>b. Federal:</u> Any funds committed from federal resources.	<u>f. Other:</u> Any funds committed from resources other than a, b, c, d, or e above.
<u>c. State:</u> Any funds committed from state resources, such as TWDB.	<u>G. TOTAL:</u> Total the amounts shown in a, b, c, d, e, and f and enter the Total. This must match the total in Table 1.
<u>d. Applicant:</u> Any funds committed by the applicant.	

Dollar amounts must be entered in whole dollars, with no cents.

17. IS THE APPLICANT DELINQUENT ON ANY FEDERAL DEBT? - Answer No or Yes. A Yes answer must include an explanation concerning the nature, amount and date when payment of the debt became delinquent.

18 The authorized signatory for the application should read the bold print carefully and review the LOCAL CERTIFICATIONS and CITIZEN PARTICIPATION PLAN sections of this CDBG Disaster Recovery Application Guide prior to signing the 424 FORM. Provide a) Typed Name of Authorized Representative, b) Title, c) Telephone Number (Including Area Code), d) Signature of Authorized Representative (The required paper copy of the application must contain original, not copied, signatures), and e) Date. The 424 must be signed by the mayor (for cities) or judge (for counties) unless otherwise authorized and designated through resolution or other official action. The application preparer can download and print a copy of the required 424 Form in the Attachments Section of the web-based application. After signature, the preparer must attach an electronic copy of the signed 424 Form to the web-based application prior to submittal.

PROJECT APPROVAL INFORMATION

Provide a response for each question. If a question does not apply, be sure to select "N/A". Any questions not answered will be considered incomplete and may result in a deficiency notice for the application.

1. SELF-ADMINISTRATION – The applicant must indicate if it has chosen to self-administer the proposed project by utilizing in-house staff services. If the answer is "No," the applicant would continue on to the next question. If the answer is "Yes," a secondary question will appear asking if the proposed project will be administered jointly by local staff and a third-party grant administrator. Answer "Yes" or "No."
2. THIRD-PARTY ADMINISTRATION – The applicant must indicate if it has selected to utilize a third-party administrator to administer the proposed project. If the answer is "Yes," a secondary question will appear asking the applicant to identify three preferred grant administrators. All applicants must select from the State Master List of Qualified Grant Administrators, if using Disaster Recovery funds to pay third-party administration costs, and identify the three preferred administrators from the Master List. Identified providers should be given in order of preference.
3. IN-HOUSE ENGINEERING – The applicant must indicate if it has chosen to utilize in-house city or county engineering crews to complete the engineering services for the proposed project.
4. THIRD-PARTY ENGINEERING – The applicant must indicate if it has selected to utilize a third-party engineer to perform engineering services for the proposed project. If the answer is "Yes," a secondary question will appear asking the applicant to identify three preferred engineers. All applicants must select from the State Master List of Qualified Engineers, if using Disaster Recovery funds to pay third-party engineering costs, and identify three preferred engineers from the Master List.
5. UNIFORM RELOCATION ACT – The applicant must answer "Yes" if any projects in the application will involve acquisition of property, purchase of easements, relocation, or any other activity requiring compliance with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
6. PROJECT FUNDING CERTIFICATION FORM – For each project for which "Damage" is identified as the Storm Impact, the applicant must fill out and attach a signed Project Funding Certification Form to the application.

AFFIRMATIVELY FURTHERING FAIR HOUSING WORKSHEET

Provide a response for each question. Any questions not answered will be considered incomplete and may result in a deficiency notice for the application.

1. FFAST FORM - The applicant must indicate if a completed and adopted FFAST Form is attached to the application. (A completed FFAST Form is required for all applicants.)
2. If no FFAST Form is attached to the application, please provide an explanation why. Please note that all applications must be accompanied by a completed FFAST Form to be considered for funding.

LONG-TERM PLANNING

Applicants are encouraged to develop their community recovery projects in a manner that considers an integrated approach to housing, Fair Housing obligations, infrastructure, economic revitalization, and overall community recovery. Consideration of long-term planning processes is also highly encouraged. Disaster recovery presents communities with unique opportunities to examine a wide range of issues such as housing quality and availability, road and rail networks, environmental issues and the adequacy of existing infrastructure. There are opportunities for modernization of public facilities and the built environment, development of regional and integrated systems, and even stimulation of the local economy that was damaged as a result of the disaster.

In this form, applicants must provide a brief description of how the project(s) addressed in this application form part of an integrated approach to recovery.

A sample response follows:

"The Deep Creek Drainage project has been selected in consideration of infrastructure, housing and overall community recovery. The levees along the creek were heavily damaged during Hurricane Ike, resulting in massive devastation in a nearby low-to-moderate income housing neighborhood in Big Bend Village in Deep Creek County. The Regional Hazard Mitigation Plan lists a priority goal to identify and implement drainage projects that reduce the impact of hazard events and reduce base flood elevations. The Big Bend 2025 Comprehensive Plan recommends improvements to the levee system along Deep Creek beyond repair to preexisting conditions. Construction of this project will repair the damage caused by Hurricane Ike and reduce base flood elevations for the neighborhood, which will reduce flood insurance costs to homeowners and protect investment of additional disaster recovery funds in rehabilitation and reconstruction of homes in the neighborhood, which are needed to support the workforce necessary to reopen businesses and attract new ones. Finally, the new levees will better protect the Wastewater Treatment Plant and reduce the potential for contamination resulting from flooding of the facility."

PROJECT DETAILS

A **project** is defined as a discrete combination of: entity (i.e. city, county, water supply corporation), activity (i.e. water, sewer, etc.) beneficiary population, and national objective. An additional project is created when one or more of these factors is different. A **site** is defined as a discrete location for activities within a project. A project can have one or more sites. For example, one water project that consists of three generators throughout a city consists of three sites, one for each generator. Applicants must utilize this grouping system, in particular because additional pages are created in the interactive application document based on the projects identified. **Applicants who fail to properly group projects will be required to resubmit a corrected application.**

TABLE 1

Please follow the instructions closely as Table 1 serves as the framework for the rest of the application.

PROJECT TITLE

A project is defined as a discrete combination of: entity (i.e. city, county, water supply corporation), activity (e.g., water, sewer, etc.), beneficiary population, and national objective. An additional project is created when one or more of these factors is different. Selecting the "Add a New Project button just above the Table 1 Summary will add a complete set of

fillable fields for the additional project. Selecting the “Remove this project” will remove them. The activity type, and project title entered by the applicant on Table 1 will appear as a heading on the Table 2 form generated for each project.

ACTIVITY COLUMN

The application preparer will choose the appropriate project activity from the drop-down list. If a required item is not contained in the provided drop-down list, please contact a member of the CDBG Disaster Recovery Program staff for guidance.

Later in the application, a set of questions that correspond to the activity type will appear for each proposed project for most activity types. Applicants must complete all questions related to each of the proposed projects in the application. For an application that includes the installation of sewer improvements, the applicant would have to provide answers to all of the activity specific questions listed under Sewer/Wastewater Improvements for each project. If the application also includes water system improvements, the applicant would have to provide answers to all of the activity specific questions listed under Water Improvements for each project.

If there is not a set of questions for a proposed activity, contact a member of the Disaster Recovery Program staff for guidance.

Eligible activities include but are not limited to:

DISASTER RECOVERY PROGRAM PROJECT ACTIVITIES

Activity Number	Activity Name	Activity Number	Activity Name
1a	Water Facilities	13	Specially Authorized Assistance to Privately Owned Utilities
1b	Sewer Facilities	14	Specially Authorized Public Facilities and Improvements
3	Other Public Utilities (gas, et al)	15	Public Services
4	Street Improvements	20	Clearance/Demolition Activities
5	Flood and Drainage Improvements (dike/ dam/ riverbank)	23	Code Enforcement
5a	Debris Removal	24b	Acquisition (buyouts)
6	Community Centers/ Shelters	26	Economic Development
7	Senior Centers	25	Relocation Payments and Assistance
9	Parks, Playgrounds, and other Recreational Facilities	31	Planning and Urban Environmental Design
10	Fire Protection Facilities and Equipment		

The Acquisition activity (Activity Number 24b) as a project only applies specifically to buyouts. This includes hazard area buyouts so that families and private sector employers move out of areas at severe risk for a future disaster and the appropriation of property for conservation activities. The continued flooding of residential structures not only causes a threat to public health and safety, but increases the burden on resources of local jurisdictions, and in many cases negatively impacts local watersheds. Acquisition related to a water, sewer, or utility system project would be included under each of those projects, respectively, and **not** listed as a separate project activity.

Certain types of activities, such as street improvements and drainage improvements, may include both types of activities in support of one project. For these projects, the interrelated activities should be grouped and listed under one activity type as one project if the primary purpose is singular in nature. In other words, if the failure to function was flooding related and the project serves to improve drainage capacity to rectify the flooding, the entire project would be considered drainage even if it involves an ancillary amount of road repair.

Each specific activity name should be shown only once unless there are different beneficiary groups, national objectives, or entities for different portions of the same activity. If different beneficiary groups exist, then this would necessitate the creation of a separate project line item. For example, if a water project involves reconstruction of a storage tank (area benefit to the entire city) plus line work benefitting only one subdivision (area benefit to a smaller target area), the activity should appear as two separate projects.

PROJECT TITLE

When providing the title of each project on Table 1 the applicant must use the name of the location or name of facility.

Counties applying on behalf of a community should use the following format, which identifies the community and project location:

Counties:

Name of Location or name of facility (name of city or entity) Example: Lift Station #3 (Smithville)

Cities should identify the location or name of the facility:

Cities:

Name of Location or name of facility Example: Lift Station #3

The title entered on Table 1 will be reproduced on other project-specific pages and/or sections throughout the document. This will assist the applicant in ensuring that all necessary information is provided at the project level.

STORM IMPACT

The application preparer will choose the appropriate storm impact category from the drop-down list.

NATIONAL OBJECTIVE

The application preparer will choose the appropriate national objective category from the drop-down list. Later in the application, a set of questions that correspond to the national objective may appear for each proposed project, depending on the national objective selected.

COMPLETION METHOD

For each project, identify how the proposed project will be accomplished by selecting one of the following options from the drop-down menu provided:

- Select "Bid/Contract" for those activities that will be accomplished through the bid/contract process
- Select "Force Account" for activities that will be accomplished through force account labor
- Select "Combination" for a combination of both the bid/contract process and force account labor.

TOTAL BENES (TOTAL BENEFICIARIES)

Beneficiaries may be determined through the use of 2000 Census information, through the use of information obtained from the CDBG-approved survey, and based on CDBG-accepted limited clientele information. Regardless of the method chosen, this column should reflect all persons to benefit from the project, irrespective of income status. The total given at the bottom of Table 1 will automatically sum the beneficiaries that are receiving benefit from two or more projects. This method corresponds with revised HUD reporting requirements that differ from Round 1.

LMI BENES (TOTAL LOW-TO-MODERATE INCOME BENEFICIARIES)

This column should reflect only those persons identified in the Total Benes Column whose income falls below 80% of the county or metropolitan statistical area (MSA) median family income (Low/Mod Persons). The total given at the bottom of Table 1 will automatically sum the beneficiaries that are receiving benefit from two or more projects. This method corresponds with revised HUD reporting requirements.

% LMI BENES (PERCENTAGE OF LOW-TO-MODERATE INCOME BENEFICIARIES)

This field auto-calculates the low/moderate income percentage by dividing the LMI Benes by the Total Benes for each project. This number must exceed 51% to be considered eligible under the LMI national objective.

DR FUNDS COLUMN

Show the amount of CDBG Disaster Recovery funds requested for each project in this column. For construction items, this figure must be substantiated on the Table 2 – Budget Justification and/or HNTB estimate quad sheets. **The total amount for this column must match the DR Request amount on the 424 Form.** Dollar amounts must be entered in whole dollars, with no cents.

OTHER FUNDS COLUMN

Show the amount and source of local or other matching funds for each project in this column. No match is required on the part of the applicant.

TOTAL FUNDS COLUMN

The application document completes this calculation automatically, providing the sum of the CDBG Disaster Recovery Funds and the Other Funds for each project. This amount must match the Total amount on the 424 Form. Entities submitting applications that encompass many activities and project areas (large entitlement counties or COG regions) may need to utilize multiple Table 1s. In this event, the applicant must ensure that the total funds for all Table 1s, in aggregate, match the total amount on the 424 Form for the applicant.

ACQUISITION SUB-ROW

Acquisition related to a water, sewer, or drainage project, etc. must be included under each project respectively and must correspond with the amounts identified on Table 2(s).

ENGINEERING SUB-ROW

Engineering must be identified on a per-project basis and must correspond with the amounts identified on Table 2(s). The engineering amounts identified on Table 1 will be identified in the grantee contract, if funded, and used to issue engineering work orders upon execution of the grantee and engineering contracts. The applicant must clearly establish the portion of CDBG DR Funds to be used to pay for third party vendor Engineering services, and the portion of CDBG DR Funds to be used to reimburse the applicant for in-house Engineering services. A detailed scope of work and associated fee schedule using the standard template (available on the application Attachments page at <https://derric.txdrec.org/>) must be attached to the application which includes: (1) the major tasks to be performed (2) number of hours/job classification (i.e. principal, engineer, technician, etc.) (3) rate per classification and (4) schedule for completing each task. **No additional opportunities for modifying this amount will be given once the Grantee contract is executed. Any modifications would require contract amendments.**

PROJECT DELIVERY ROWS

Project Delivery (Local Grant Administration) costs should be estimated according to the total grant request for the application and included in the Table 1. The maximum allowable project delivery cost per grant shall be less than or equal to the caps as outlined above in this application guide. See the section on Project Delivery for more information on allowable costs. The applicant must clearly establish the portion of CDBG DR Funds to be used to pay for third party vendor Grant Administration services, and the portion of CDBG DR Funds to be used to reimburse the applicant for in-house Grant Administration services and/or costs.

% ENGINEERING FOR TOTAL APPLICATION

The cap for engineering costs has been established at twelve percent (12%) of the total estimated Construction Costs. Engineering costs include the cost of all engineering (design, bidding, construction phase services) and associated work and special services (surveying, materials testing, on-site inspections, etc.) required to deliver all Grantee projects included in the application. If the percentage is greater than 12%, a warning will appear and the applicant must attach to the application justification by the engineer for engineering fees being higher than 12% of the total construction. GLO will review the justification for reasonability. It should be noted that for projects which are under \$100K in construction costs, a higher percentage may be justified based on the details contained in the scope of work.

TABLE 2 – BUDGET JUSTIFICATION

The completion of Table 2 is required for all construction/ public works activities. Costs related to non-construction activities, such as public services, do not have to be reflected on this form. For applications involving more than one project, a new Table 2 form will automatically be created for each project. The project number, activity type, and project title entered by the applicant on Table 1 will appear as a heading on the Table 2 for each project. **A Table 2 must be completed for each project.** Dollar amounts must be entered in whole dollars, with no cents. The fields will automatically round to the nearest dollar.

MATERIALS/ FACILITIES / \$/UNIT/ UNIT/ QTY COLUMNS

In determining actual construction costs, the engineer must provide the following:

1. The material or facility component **(Materials/Facilities)** for each line item. For example, “36” PVC pipe” or “25-50 kW generator.” Applicants must provide a reasonable level of detail regarding project materials or components. A material line item of “Shelter Building” would be too broad to determine size, unit, or composition and greater detail would be required.
2. The unit price **(\$/Unit)**, type of unit **(Unit)** and the number of units **(Qty)** for each activity. The units used (e.g., linear feet (lf), cubic yards (cy), etc.) must be priced to include all proposed improvements related to and necessary for the major construction activity.

Please keep in mind that localities are prohibited from levying special assessments, fees and service connection/tap-on costs on low/moderate income persons to recover the CDBG Disaster Recovery-financed portion of a public improvement when CDBG Disaster Recovery funds are used to pay all or part of the cost of the public improvement. Localities can however, levy special assessments, fees and service connection/tap-on costs on low/moderate income persons to recover the portion of a public improvement financed from other funding sources provided that CDBG Disaster Recovery funds are used to pay these costs for the low/moderate income beneficiaries.

For public improvements that were not initially assisted with CDBG Disaster Recovery funds, CDBG Disaster Recovery funds may be used to pay special assessments and fees for low and moderate income persons when certain conditions exist. The payment of special assessments/fees constitutes CDBG Disaster Recovery assistance to the public improvement. Therefore, CDBG Disaster Recovery funds may be used to pay the assessments/fees on behalf of low and moderate income persons provided that: 1) the installation of the public improvements was carried out in compliance with requirements applicable to activities assisted under the CDBG Disaster Recovery Program, including labor, environmental, and citizen participation; 2) the installation of the public improvement meets a CDBG national program objective; and, 3) CDBG Disaster Recovery funds are used to pay the assessment/fees on behalf of low and moderate income persons.

Force account labor costs must be based on the estimated CDBG Disaster Recovery contract related construction hours to be worked by force account workers and the hourly wages to be paid, and cannot be based on labor costs estimated through the bid/contract method.

The value of materials/supplies to be provided by the applicant, and already owned by the applicant, must be based on the purchase price of the materials and supplies at the time of purchase and cannot be based on the current purchase price of such materials/supplies.

Equipment costs for equipment owned by the locality must be based on a use allowance or depreciation (only if the equipment is not already fully depreciated and based on acquisition cost).

CONSTRUCTION \$ COLUMN

Construction cost will be computed by multiplying the \$/Unit column by the Qty column.

ACQUISITION \$ COLUMN

Any proposed activity involving acquisition of real property, easements, right-of-ways, etc., must have the projected costs of this acquisition broken out by the activity for which the acquisition is needed. In developing these costs, compliance with the requirements of the Uniform Real Property Acquisition and Relocation Policies Act of 1970, and exemptions as allowed under this appropriation, must be taken into consideration.

ENG./ARCH/ \$ (ENGINEERING AND ARCHITECTURAL COSTS) COLUMN

Engineering/architectural costs must be broken out by each construction activity and by basic and special services (special services and their costs must be itemized on Table 2).

TTL. ACT \$ (TOTAL ACTIVITY COST) COLUMN

Figures for this column are obtained by adding together the Construction\$ Column, Acquisition\$ Column, and the Eng./Arch.\$ Column to get the total costs for each activity.

OPERATIONS AND MAINTENANCE COSTS FIELD

The source of funding and the projected annual cost for operations and maintenance expenses must be described in this field. These costs are not made a part of the CDBG Disaster Recovery contract, but applicant localities should be aware of the future costs of operating and maintaining facilities financed with CDBG Disaster Recovery funds.

PREPARATION BY REGISTERED ENGINEER/ ARCHITECT

For construction or public facilities projects, this form must be completed by a professional engineer or architect, licensed to practice in the State of Texas. The engineer or architect must provide their company name, e-mail address, and telephone number in the fields provided at the end of the last Table 2 produced.

ENGINEERING ACTIVITY SCHEDULE

An engineering activity schedule must be completed for each project. The engineering activity lengths provided in the schedules will be identified in the grantee contract, if funded, and used to issue engineering work orders upon execution of the grantee and engineering contracts. **No additional opportunities for modifying these schedules will be given once the Grantee contract is executed. Any modifications would require contract amendments.** If the project schedule is anticipated to exceed 24 months, written justification must be attached to the application. GLO will review the justification for reasonability.

DESCRIPTION OF NEED BY PROJECT

All activities must have documented proof of an impact by either Hurricane Dolly or Hurricane Ike. There must be a clear and compelling need related to the disaster declaration, hurricane disaster relief, long-term recovery and/or restoration of infrastructure. The project number, activity type, and project title entered by the applicant on Table 1 will appear as a heading on the Description of Need by Project page for each project.

1. - 6. Questions 1 through 6 relate to the documented proof of an impact by either Hurricane Dolly or Hurricane Ike, the clear and compelling need related to the disaster, and the resolution that the proposed project will provide. **Although the questions inquire as to failures to function, the questions must be answered for projects related both to damage or failure to function.** Failure to provide adequate information will result in the application being returned to the applicant and a deficiency letter being produced. The answers to questions 1 through 6 are used to compose a statement summarizing the description of need that appears below Question 6. Please review the statement and ensure that it is coherent and accurate. If not, please revise your answers to Questions 1 through 6 accordingly.

7. If the project does not include any damage to the system or facility, select "No." If the project does include system/facility damage, select "Yes." Selecting "Yes" will require that a Project Funding Certification Form be attached to the application. The applicant must enter the project title from the application in the "Proposed Project" field on the Project Funding Certification Form. A field will also appear for the applicant to disclose if the Disaster Recovery funds being sought in the application will be used in whole or part to repair any of the damaged facility or system.

Non-Duplication of Benefits Questions

The non-duplication of benefits restriction that prohibits the use of funds for activities reimbursable by FEMA, insurance, or other federal agencies remains in effect. The applicant must answer the following questions:

FEMA Coverage

1. The applicant must disclose whether or not FEMA was contacted regarding project eligibility. If FEMA was contacted, the applicant must describe the FEMA response (remembering to attach all relevant documentation with the application.) If not, the applicant must explain why FEMA was not contacted.
2. If FEMA funds were received, the applicant must disclose the amount. If not, the applicant would explain why no funds were received.
3. The applicant must explain why funds are needed above and beyond FEMA funds.
4. Additional funds, aside from FEMA or insurance, may be listed in this field.

Insurance Coverage

1. The name of any insurance companies must be listed here.
2. The applicant must disclose whether or not a claim was filed with the insurance company, if applicable. If a claim was filed, the amount of coverage and amount received from the insurance company must be disclosed.
3. The applicant must disclose whether or not there was a deductible. If there is a deductible, the applicant must disclose the amount of the deductible.
4. If the applicant or owner of the facilities/ system identified in the application had insurance coverage and a claim was not filed, the applicant must explain why a claim was not filed.

The Consolidated Security, Disaster Assistance, and Continuing Appropriations Act, 2009 (Pub. Law 110-329), enacted on September 30, 2008, governs the use of Supplemental Disaster Recovery Funds. The legislation specifically prohibits the use of funds for activities reimbursable by, or for which funds are made available by, FEMA, the Army Corps of Engineers or any other Federal program. This non-duplication of benefits restriction that prohibits the use of funds for activities reimbursable by FEMA and other federal agencies remains in effect and cannot be waived.

Therefore, GLO must ensure that disaster recovery projects comply with this restriction. To clarify, if a proposed project(s) falls in one of the FEMA eligible categories of Public Assistance (categories A-G) and the applicant indicates that direct damage has occurred, then the applicant must provide an explanation of why FEMA assistance was not obtained or clarify that it was obtained for a distinct project component. The Public Assistance categories A-G are as follows:

- Category A – Debris Removal
- Category B – Emergency Protective Measures
- Category C – Roads and Bridges
- Category D – Water Control Facilities
- Category E – Buildings and Equipment
- Category F – Utilities
- Category G – Parks, Recreational, and Other

The following is the GLO process for verifying non-duplication of funds for projects potentially eligible for FEMA funding as described above. The applicant must have a Qualifying Event demonstrated as evidenced in Column A and approved in Column B for one of the three scenarios in order to be approved for funding.

				A	B
SCENARIO	QUALIFYING EVENT (CIRCLE ALL THAT APPLY FOR APPROPRIATE SCENARIO)			WRITTEN DOC(S) PROVIDED	CLEARED FOR FUNDING
1 Presented-Not Funded	Applicant received verbal denial	Applicant received written denial	Applicant received no response		
2 Presented-Partially Funded	Applicant did not receive funding for same project component(s) in application		Applicant received funding for repair, but application provides additional hardening		
3 Not Presented	Applicant received verifiable FEMA guidance against presenting	Other (see management for approval; submerged roads exception)			

In the event that damage was not presented to FEMA for assessment (Row 3 of the matrix above), the applicant may document verifiable FEMA guidance against presenting the project, or meet the exception for submerged roads, which FEMA has verified do not qualify for their funding.

8. Applicants must indicate whether or not each project activity location is within a designated flood hazard area according to the current Flood Insurance Rate Map or Flood Hazard Boundary Map issued by FEMA. In order for federal funding to be made available to an applicant under the CDBG program, the project activity must be either located in an area outside of the 100-year floodplain, as designated by Federal Emergency Management Agency; or if within the 100-year floodplain, the political subdivision, in which the project is located, must participate in the National Flood Insurance Program (NFIP), thereby making federal flood insurance available. Federal flood insurance is available to only those which participate.

9. The applicant must indicate if the project meets the national objective of Prevention/ Elimination of Slums or Blight.

10. Only **locally-identified priority programs that cannot be effectively carried-out without Round 2.2 Hurricane Recovery funds** are eligible for award. The applicant must provide an explanation of the **method** used to prioritize this project for funding.

11. The applicant must indicate whether any negative impact(s) or effect(s) on the environment will be caused by project activities. All funded applications will have to comply with Federal regulations regarding environmental clearance before funds are released.

DISASTER RECOVERY ENHANCEMENT FUND (DREF) QUESTIONS

A-E. Questions A through E are designed to identify projects that may qualify under the DREF program. If the applicant selects “Yes” for any of the questions in this section, further description of how the project is consistent with the selected factor must be provided. See the section on DREF for more information.

SITE SPECIFICS

SITE & LOCATION INFORMATION

A site is defined as a discrete location for activities within a project. A project can have one or more sites. For example, one water project that consists of three generators throughout a city consists of three sites, one for each generator. The applicant must list the number of sites for each project listed in Table 1. On the Site Specifics page, select the “Save Site and Add New Site” button at the bottom of the page to add an additional site. Selecting the “Remove Site” button will remove the additional site page. Identify the location, GPS coordinates, and generator information (if applicable) **for each site** in the location fields.

If a project includes streets, drainage ditches, water/sewer lines or other activities that may be described using the “On-To-From” format (e.g. on 1st Street from Main Street to Elm Street), please use the table provided to describe the location of the site. For other activities, the applicant may provide a descriptive narrative (e.g. at the intersection of Hwy 6 and Main Street) in the corresponding field. A map must be provided for each project and the locations on this form must be shown on the project map(s). Maps should be titled or numbered with the corresponding project title.

GPS coordinates are required for each site. Latitude and longitude must be entered in Decimal Degrees (DD) to five decimal places (e.g. “0.00001”).

1. If the project does not include a generator, select “No.” If the project does include a generator, select “Yes.” Selecting “Yes” will create questions that must be answered for each generator. These include entering a generator size (kW), which should be entered as a range of sizes here (example 75 to 100kW) and selecting fuel type and transfer switch from the dropdown menus.
2. The applicant must disclose whether project activities will be located on a Federal Installation, and if so, provide the name of the installation and the percent of the project located on the installation.
3. Applicants must indicate whether or not each project activity location is within a designated flood hazard area according to the current Flood Insurance Rate Map or Flood Hazard Boundary Map issued by FEMA. In order for federal funding to be made available to an applicant under the CDBG program, the project activity must be

either located in an area outside of the 100-year floodplain, as designated by Federal Emergency Management Agency; or if within the 100-year floodplain, the political subdivision, in which the project is located, must participate in the National Flood Insurance Program (NFIP), thereby making federal flood insurance available. Federal flood insurance is available to only those which participate.

4. The applicant must indicate if the assistance requested would cause the displacement of families, individuals, farms, or businesses. See the relocation requirements paragraph of the Compliance section for more information on relocation requirements.

PROJECT BENEFICIARY INFORMATION

The basis for determining which residents are to be considered as beneficiaries of a proposed activity can be achieved through the most recent HUD 2000-Census Data information or by conducting a survey of the area with approved CDBG DR forms. The method used in determining the low/moderate income beneficiary race/ ethnicity information is as follows:

Census Data:

Based on the survey or HUD-2000 Census Data, provide the information concerning the gender, race, and ethnicity of the total project beneficiaries. According to a requirement promulgated by the Office of Management and Budget (OMB) and the Department of Housing and Urban Development (HUD), beneficiaries for the Community Development Block Grant Program (CDBG) must now be reported to consider persons of Hispanic or Latino origin as an ethnic group. Therefore, persons of Hispanic or Latino origin must also be included under one or more of the single race or multi-race categories.

Survey Data:

Applicants using CDBG DR surveys to identify beneficiaries should tabulate race, gender, and ethnicity data. Applicants must also identify the survey dates and number of households benefitting.

See the section of this guide titled, "SURVEY, CENSUS, AND BENEFICIARY DATA RESOURCES" for detailed information on census and survey methods. Please note that detailed resources on the calculation of beneficiary gender, race, and ethnicity data may also be found on the agency website at www.GLO.texas.gov.

The race, gender, and ethnicity for the total beneficiaries in each project must be tabulated on the Project Beneficiary Information form. The project number and title header will appear automatically for each project identified in Table 1. Applicants must list all census tracts and block groups included in the project area for projects which are not citywide or countywide benefit. Be sure to identify the total beneficiaries claimed for each area. **A spreadsheet showing LMI benefit must be submitted in addition to completing this question.** For citywide or countywide projects, indicate "Citywide" or "Countywide" and attach a spreadsheet. A sample spreadsheet may be found on the application Attachments page at <https://derric.txdrec.org/>.

Applicants must provide the number of project beneficiaries identified through either CDBG surveys, direct benefit, 2000 Census, or limited clientele methods. If beneficiaries were identified by using a survey as opposed to using 2000 Census information, the applicant must provide an explanation of the reason.

Applicants must also provide the number of residential properties and the number of commercial or non-residential properties benefitting from project activities and must attach the source documentation for these figures (census, survey, tax rolls, zoning maps, etc.)

ACTIVITY SPECIFIC QUESTIONS BY PROJECT

An additional activity specific questions page will be created for each project listed in Table 1 by activity type. Please be sure to answer all questions and provide any additional information that may be requested. This will help to ensure that all linked fields within the application are populated correctly. The project number and title at the top of the worksheet correspond to the projects as they were identified in Table 1.

ACQUISITION IN SUPPORT OF OTHER PROJECTS

A form will be created when acquisition dollars are identified in a project. The acquisition form only applies to funding that is in support of other projects (such as easements for a drainage project). Please be sure to answer all questions and

provide any additional information that may be requested. The project number and title at the top of the worksheet correspond to the projects as they were identified in Table 1.

Acquisition as a buyout would be entered as a project activity 24b on Table 1.

APPLICANT DISCLOSURE/ UPDATE REPORT

Provisions at Subpart C of 24 CFR Part 4 require CDBG applicants to disclose the information requested in each part of this section:

- Assistance from other government sources in connection with the CDBG-DR project;
- The financial interests of persons in the CDBG-DR project;
- The sources of funds contributed to the project; and
- The uses for which the funds are to be utilized.

GLO will make all applicant disclosure reports available to the public for five years in the case of applications for competitive assistance, and for generally three years in the case of other applications. Update reports will be available along with the disclosure reports, but in no case for a period less than three years. All reports, both initial reports and update reports, will be made available in accordance with the Texas Public Information Act, Government Code, Chapter 552. Failure to provide any required information may delay the processing of the application and may result in sanctions and penalties, including imposition of the administrative and civil penalties specified under 24 CFR Section 4.38.

PART 1 - APPLICANT/RECIPIENT INFORMATION

All CDBG-DR applicants must indicate whether or not this is an initial or update report. Check the appropriate box.

If this is an update report, the applicant must adhere to the following:

During the period in which a CDBG Disaster Recovery application is pending, the applicant must make the following additional disclosures (as an attachment):

1. Any information that should have been disclosed in connection with the application, but was omitted.
2. Any information that would have been subject to disclosure in connection with the application, but that arose at a later time, including information concerning an interested party that now meets the applicable disclosure threshold referred to in PART 3.
3. For changes in previously disclosed Other Government Assistance that exceeds the amount that was previously disclosed.
4. For changes in previously disclosed financial interests, any change in the amount of the financial interest of a person that exceeds the amount of the previously disclosed interests by \$50,000 or by 10 percent of such interests (whichever is lower).
5. For changes to previously disclosed sources of funds, any change in a source of funds that exceeds the lower of:
 - The amount previously disclosed for that source of funds by \$250,000 or by 10 percent of the amount previously disclosed for that source, whichever is lower; or
 - The amount previously disclosed for all sources of funds by \$250,000 or by 10 percent of the amount previously disclosed for all sources of funds, whichever is lower.

For changes to previously disclosed uses of funds, any change in a use of funds that exceeds the lower of:

- The amount previously disclosed for that use of funds by \$250,000 or by 10 percent of the amount previously disclosed for that use, whichever is lower; or
- The amount previously disclosed for all uses of funds by \$250,000 or by 10 percent of the amount previously disclosed for all uses of funds, whichever is lower.

PART 2 – OTHER GOVERNMENT ASSISTANCE PROVIDED/REQUESTED

Applicants must report any other government assistance involved in the project or activity for which CDBG Disaster Recovery assistance is sought.

"Other government assistance" is defined to include any loan, grant, guarantee, insurance, payment, rebate, subsidy, credit, tax benefit or any other form of direct or indirect assistance from the Federal government, a State (other than the CDBG Disaster Recovery assistance requested in the application), or a unit of general local government, or any agency or instrumentality thereof, that is available, or is expected to be made available with respect to the project or activities for which CDBG Disaster Recovery assistance is sought. For purposes of this definition, other government assistance is expected to be made available if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the assistance will be forthcoming.

Applicant disclosures must include all other government assistance involved with the CDBG Disaster Recovery assistance, as well as any other government assistance that was made available before the request, but that has a continuing presence at the time of the assistance request.

Space is provided to enter four (4) sources of other government assistance. If more space is needed, attach an additional page.

- If the applicant has no Other Government Assistance to disclose, then click "No" and proceed to PART 3.
- If the applicant does have Other Government Assistance to disclose, click the "+" sign to add an entry line and enter the name of the government agency making the assistance available. If applicable, include at least one organizational level below the agency name. For example, U.S. Department of Commerce, Economic Development Administration; Texas Department of Housing and Community Affairs, HOME.
- Enter the city, state, and zip code of the government agency making the assistance available.
- Enter the program name and any relevant identifying numbers, or other means of identification, for the other government assistance.
- State the type of other government assistance (e.g., applicant contribution, loan, grant, loan insurance).
- Enter the dollar amount of the other government assistance that is, or is expected to be, made available with respect to the project of activities for which CDBG Disaster Recovery assistance is sought (applicants) or has been provided (recipients).

PART 3 – INTERESTED PARTIES

1. Applicants must provide information on all developers, contractors, or consultants involved in the application for CDBG Disaster Recovery assistance or in the planning, development, or implementation of the project or activity; and
 2. Any other person who has a financial interest in the project or activity for which CDBG Disaster Recovery assistance is sought that exceeds \$50,000 or 10 percent of the assistance (whichever is lower). "A financial interest" means any financial involvement in the project or activity, including (but not limited to) situations in which an individual or entity has an equity interest in the project or activity, shares in any profit on resale or any distribution of surplus cash or other assets of the project or activity, or receives compensation for any goods or services provided in connection with the project or activity. Residency of an individual in housing for which assistance is being sought is not, by itself, considered a covered financial interest.
- If the applicant has no Persons with a Reportable Financial Interest to disclose, then click "No" and proceed to PART 4.
 - If the applicant does have Persons with a Reportable Financial Interest to disclose, click the "+" sign to add an entry line and enter the full names and addresses of all persons referred to in paragraph 1 or 2 of this PART. If the person is an entity, the listing must include the full name of each officer, director, and principal stockholder of the entity.
 - Enter the type of participation in the project or activity for each person listed; i.e., the person's specific role in the project (e.g., contractor, consultant, planner, investor).
 - Enter the financial interest in the project or activity for each person listed. The interest must be expressed both as a dollar amount and as a percentage of the amount of CDBG Disaster Recovery funds involved.

PART 4 –REPORT ON EXPECTED SOURCES AND USES OF FUNDS

The applicant disclosure report must specify all expected sources of funds from the CDBG Disaster Recovery Program and from any other source that have been, or are to be, made available for the project or activity. Non-CDBG Disaster Recovery sources of funds typically include (but are not limited to) the applicant's local contribution, other government assistance referred to in PART 2, equity and amounts from foundations and private contributions. The report must also specify all expected uses for which the funds are to be utilized. All sources and uses of funds must be listed if, based on an assessment of all the circumstances involved, there are reasonable grounds to anticipate that the source or use will be forthcoming.

If any of the source/use information required by this report has been provided elsewhere in the application, the applicant need not repeat the information, but should refer to the application form and location to incorporate the information into this report. Applicants may cite application documents which contain some of this information such as the 424 Form, Project Summary, Table 1, Table 2, Letters of Commitment, etc.

For the source of funds, indicate that the information can be found on the Cover Sheet, 424 Form, and Table 2. Otherwise each reportable source of funds must indicate:

- The name and address, city, state, and zip code of the individual or entity making the assistance available. If applicable, include at least one organizational level below the agency name. For example, U.S. Department of Transportation, U.S. Coast Guard; Department of Safety, Highway Patrol.
- The program name and any relevant identifying numbers, or other means of identification, for the assistance.
- The type of assistance (e.g., applicant contribution, loan, grant, loan insurance).

For the use of funds, indicate that the information can be found on Table 1 and/or Table 2.

Otherwise, each reportable use of funds must clearly identify the purpose for which the funds will be utilized.

URGENT NEED FORM

The Urgent Need Form will appear if the Urgent Need national objective is selected for a project on Table 1. Please contact GLO Disaster Recovery staff for more information regarding the use of this form.

POOL: NON-HOUSING

Criteria for the Non-Housing Pool

Eligible Applicants are cities and counties that are eligible to be grantees for 2008 Supplemental Disaster Recovery funding and are located within the ATCOG, CBCOG, CTCOG, BVCOG, ETCOG, GCRPC and STDC Councils of Government regions. All other eligible entities must apply under the appropriate city or county.

There must be a clear and compelling need related directly to the major natural disaster declaration for hurricane disaster relief, long-term recovery and/or restoration of infrastructure. No disaster recovery assistance will be considered with respect to any part of a disaster loss that is reimbursable by the Federal Emergency Management Agency (FEMA), the Army Corps of Engineers, insurance, or other source (restriction against duplication of benefits). An activity underway prior to the Presidential disaster declaration will not qualify unless the disaster directly impacted the project.

Awards will not be less than \$75,000 and will not exceed \$1 million per grantee. All applications will be scored against the criteria and awards made as described herein and awards will be made within the amount of funds available. All calculations will be derived out to two decimal places. All applications will be discretely ranked based on the scoring criteria outlined in this document. In the event of a tie score, a tie-breaker factor will be applied to the tied applications in order to rank them. Applications including multiple projects will receive one cumulative score that may incorporate weighted averages by project as described in the criteria methodology.

Only applications that score high enough (and are otherwise eligible and meet all other threshold criteria) to fall within the available of \$_____ for Round 2.2 may be awarded. Only applications that can be fully funded will be considered. Applications will be subject to the terms of the new statewide Analysis of Impediments to Fair Housing (AI).

The Pool criteria will appear upon selection of a Pool COG from the dropdown menu on the cover page of the application. The methodologies for each of the five scoring criteria are listed in the application form. The maximum total points are 100 points. GLO will verify the accuracy of the information entered and tally the points to determine the final score.

1. The project activity type, project title, construction and engineering costs by project as listed in Table 1 will be used to determine the LMI Score per the methodology outlined in the application.
2. The project activity type, project title, construction and engineering costs by project as listed in Table 1 will be used to determine the Project Priority Score per the methodology outlined in the application.
3. The applicant must attach the latest available amount of all FEMA Public Assistance (PA) and Individual Assistance (IA) for the applicant to the application. The Hurricane Damage per Capita Score will then be determined per the methodology outlined in the application, based on the information provided by the applicant.

4. The Employment Impact Score will be determined per the methodology outlined in the application based on the County in which the applicant is located.
5. If the applicant wishes to receive points for Regional Impacts, the applicant must attach justification and documentation explaining which projects meet qualifying criteria and why. The Regional Impact Score will then be determined per the methodology outlined in the application, based on the information provided by the applicant.

Projects may qualify as regional in nature if they meet two or more of the following criteria:

- Question 1: Multi-Jurisdictional benefit as evidenced by project-specific agreements between jurisdictions that would share the project benefit
- Question 2: Serves regional connectivity or connectivity between systems (Example: Interconnect between water systems)
- Question 3: At least 15% of each jurisdiction's in the multi-party agreement population receives project benefit as verified by GLO in the beneficiary information documentation
- Question 4: Consolidation of two impacted services/ facilities

Tie-Breaker: Tied applicants will be ranked in order of poverty rate, with higher poverty rate being ranked highest. This question will only be reviewed in the event of a tie. Information will be verified by GLO.

ATTACHMENTS / SUPPORTING DOCUMENTS / APPLICATION CHECKLIST

When applicable, applicants submitting attachments must attach them to the completed application form and submit them as part of the complete application package per the deadline and submittal requirements as detailed in this guide. Attachment documents must be legible and reproducible. Documents are attached to the web-based application by uploading an electronic copy of the document on the Attachments Page of the web-based application.

MEMORANDUM OF UNDERSTANDING OR INTERLOCAL AGREEMENT

Counties submitting applications for activities with beneficiaries in incorporated cities within the county jurisdiction must provide a Memorandum of Understanding or Interlocal Agreement signed by the county or city authorizing the provision of such services. The Memorandum of Understanding or Interlocal Agreement must indicate the party that will assume ownership and responsibility for long-term maintenance and operation of the improvements made using Disaster Recovery funds.

PROJECT MAP

All applications must be accompanied by a project map(s). Target area projects that use 2000 Census data to document beneficiaries must provide 2000 Census maps which clearly show all of the census geographic areas (census tracts, block numbering areas or block groups) within the applicant's jurisdiction. Locations and boundaries of all project target areas must be clearly delineated by identifiable features such as named streets, railroads, streams, etc.

Maps must clearly show the following information:

- the boundaries of the city, county, and/or service area
- the locations of the target area community or communities within the city, county, and/or service area
- the locations of all proposed project activities within the target areas (e.g., sewer/water lines, lift stations, street pavement, water storage tanks, wastewater treatment plants etc.)

Applicants using 2000 census data to document project beneficiaries must provide maps which clearly show:

- all of the Census geographic areas (e.g., census tracts, block numbering areas, block groups) within the applicant's jurisdiction where census data is used to document project beneficiaries
- and locations of the project activities on the same census maps
- the census tract numbers, block numbering area numbers, and block group numbers must be legible on these census maps

Applicants using CDBG DR surveys to document project beneficiaries must provide maps which clearly show:

- all of the street names where surveys were used to document project beneficiaries

- and locations of the project activities on the same map
- and the proposed project service area and survey area clearly identified

The map locations of all proposed project activities should match the description of these locations provided in the *Description of Need by Project* form. Maps may be printed on either 8.5 x 11 inch or 11 x 17 inch paper.

If project beneficiaries are determined on the basis of area benefit, the project area or service area boundaries must also be clearly delineated on the map. The applicant is required to use maps provided either through one of the three following options:

1. GIS and/or AutoCAD maps produced by the grantee or its designee (i.e. grant administrator or engineer). Electronic files of maps produced through GIS or AutoCAD must be uploaded along with the application file to the DashPort application submittal portal.
2. The Texas State Data Center for maps based on entire cities or census designated places (CDPs). The web address is: <http://txsdc.utsa.edu/>
3. GLO provided MapBook maps which may be found at <https://derric.txdrec.org/maps/>. **GLO MapBook maps must be utilized when an applicant does not have GIS capabilities and is applying for a project on the basis of area benefit.** The benefit area must be clearly delineated using either a black or blue marker or an electronic drawing tool such as the Adobe Pencil Tool. If an applicant is serving a subset of a census block group, the applicant may contact GLO for assistance acquiring maps that show logical record number or census block.

Maps must be legible and reproducible. Care should be taken in copying maps so that project activities which may have been designated by a colored mark are still identifiable. The MapBook printing instructions are available in Appendix A.

ADDITIONAL ATTACHMENTS

Each applicant using the 2000 Census data to identify low and moderate income beneficiaries must submit information which documents the target area's low and moderate income benefit percentage. Applicants must submit the Excel spreadsheet with 2000 Census data showing the low and moderate income beneficiaries and corresponding census geographic areas. A sample spreadsheet may be found at on the application Attachments page at <https://derric.txdrec.org/>.

For applicants using CDBG DR surveys to establish benefit, all forms (survey questionnaires, survey tabulation form(s), and the survey locations form(s)) must be submitted to GLO for verification.

ADDITIONAL INFORMATION

INELIGIBLE ACTIVITIES

In general, any type of activity not described or referred to in Section 105(a) of the Housing and Community Development Act of 1974, as amended, is ineligible for consideration for CDBG Disaster Recovery funding. Specific activities which are ineligible under the Community Development Block Grant Disaster Recovery Program include:

- A. HUD has particularly identified fueling stations, points of distribution (PODs), precinct barns, and emergency operation centers (EOC) as general conduct of government activities that will remain ineligible for supplemental CDBG funding. Additional examples of common ineligible activities include:
- B. Duplicate projects.
- C. Projects that do not comply with local, district, state and/or federal regulations.
- D. The financing of political activities.
- E. Purchase of construction equipment.
- F. Income payments.
- G. Federal regulation states that the operation and general maintenance of public works or facilities are ineligible activities.
- H. Duplication of benefits.

ELIGIBLE ACTIVITIES

All eligible activities will be allowed so long as the activity is directly related to a major natural disaster declaration in 2008 through actual damage or a failure to function and is allowed under the State of Texas Plan for Disaster Recovery. **All projects identified in Round 2.2 must target locally-identified priority programs that cannot be effectively carried-out without Round 2.2 Hurricane Recovery funds.**

All activities must have documented proof of an impact by a major natural disaster declared in 2008. There must be a clear and compelling need related to a major natural disaster declaration, hurricane disaster relief, long-term recovery and/or restoration of infrastructure. An activity underway prior to a Presidential disaster declaration will not qualify unless the disaster impacted the project.

The following categories are not all-inclusive and are meant to provide additional guidance and further definition concerning eligible and ineligible activities for some of the CDBG eligible activities included in Section 105(a). In the event that a proposed activity does not fall into one of the following categories, and the applicant is uncertain of eligibility, please contact CDBG Disaster Recovery staff for a determination.

Parks, playgrounds and other recreational facilities are eligible activity types, but may not use the Urgent Need National Objective.

WATER SYSTEM IMPROVEMENTS:

ELIGIBLE ACTIVITIES --

- Replacement of existing lines (only if damaged or resulted in failure to function as designed).
- Installation of fire hydrants.
- Reconstruction of intake stations.
- Replacement of major equipment (e.g., clarifiers).
- Reconstruction of elevated or ground storage tanks.
- Emergency power generators.
- Acquisition of real property (including ROWs/easements).

INELIGIBLE ACTIVITIES --

- Cleaning of lines.
- Maintenance/repair of existing ground and elevated storage tanks (including interior and exterior painting unless the repair extends the useful life of the tank by at least 10 years).
- Improvements made necessary because of poor maintenance or operational practices.
- Replacement of minor equipment.
- Minor facility repairs.
- Any improvements which will result in operations that are not in compliance with applicable state, federal, and local laws and regulations.

DRAINAGE IMPROVEMENTS:

ELIGIBLE ACTIVITIES --

Common drainage projects include reshaping and protecting eroded banks, correcting damaged drainage facilities, construction of water detention ponds, and repairing levees and structures. However, the purchasing of floodplain easements will be categorized under the Property Buyout Projects category for this application.

- Permanent drainage facilities (storm sewer lines, concrete structures, culverts, related ditch grading). (Note: The CDBG Disaster Recovery Program considers curb and gutter, when eligible, to be a street improvements activity and not a drainage improvements activity).
- Acquisition of real property (including Right of Ways/ easements).

INELIGIBLE ACTIVITIES --

- Ditch cleaning and other operation/maintenance activities.

ACQUISITION OF REAL PROPERTY (BUYOUTS):

ELIGIBLE ACTIVITIES –

The primary use of funds under this activity is the appropriation of property for conservation activities. The continued flooding of residential structures not only causes a threat to public health and safety, but increases the burden on resources of local jurisdictions, and in many cases negatively impacts local watersheds.

All applications under this category must express a long-term interest in the property, as well as identify its future purpose. Eligible costs under this category include the cost of surveys to identify the land to be acquired, appraisals, the preparation of legal documents, recordation fees, and other costs that are necessary to effect the acquisition.

WASTEWATER IMPROVEMENTS:

ELIGIBLE ACTIVITIES --

- Replacement of existing lines (only if damaged or resulted in failure to function as designed).
- Installation of service connections and service re-connections on public property.
- Reconstruction of lift stations.
- Reconstruction of a sewage treatment plant.
- Emergency power generators.
- Acquisition of real property (including ROWs/easements).

INELIGIBLE ACTIVITIES --

- Cleaning of lines.
- Rehabilitation of lift stations if no damage or failure to function took place.
- Replacement of minor equipment.
- Minor facility repairs.
- Improvements made necessary because of poor maintenance or operational practices.
- Any improvements which will result in operations that are not in compliance with applicable state, federal, or local laws and regulations.

DEBRIS REMOVAL:

Debris may consist primarily of vegetation, construction and demolition materials from damaged or destroyed structures, and personal property. Under this category only debris identified as the responsibility of the local jurisdiction will be eligible.

The methods by which applicants may choose to collect and store debris prior to proper disposal depends greatly on the type of debris, as well as the capabilities of the jurisdiction. Prior to collecting debris all pertinent environmental concerns must be taken into consideration. For example, the removal of debris from natural streams will often require a Clean Water Act Section 404 permit from the United States Army Corp of Engineers (USACE).

While construction and demolition debris may be collected and disposed of at an appropriately rated landfill, woody and/or vegetative debris must be stored prior to disposal. This will require the use of a temporary debris storage and reduction sites (TDSR). The preparation and operation of a TDSR site is typically left to the contractor. However, local jurisdictions choosing to conduct their own debris operations may review Chapter 7 of the FEMA Debris Management Guide regarding the use of TDSR sites. This document may be obtained at <http://www.fema.gov/pdf/government/grant/pa/demagde.pdf>.

Maintaining the life expectancy of landfills in and around the state is of great concern. Therefore applicants proposing to dispose of woody and/or vegetative debris must choose burning, chipping, or grinding as the method of disposal. If the project proposes to dispose of woody and/or vegetative debris by sending it to a landfill the applicant must provide adequate justification for their decision. These applications will be reviewed on a case-by-case basis. Applicants choosing other forms of disposal for woody and/or vegetative debris must contact the Texas General Land Office prior to submitting their applications for additional direction. All required permits must be acquired prior to beginning debris operations (i.e. TCEQ Burn Permits, Environmental Documents, etc.).

CLEARANCE AND DEMOLITION:

All demolition activities must explain within the Project Summary section of the application how the proposed activity does not overlap those activities requested within the non-infrastructure portion of these funds through the GLO. For example, clearance and demolition of a damaged housing structure for replacement with a new housing structure would be a Housing activity, and not a Clearance and Demolition project under GLO non-housing activities.

ECONOMIC DEVELOPMENT:

Economic revitalization activities are limited to direct grants or deferred forgivable loans, subject to local loan policies approved by GLO. Economic revitalization and new opportunities for affected businesses and industries must be related to losses caused by Hurricanes Dolly and Ike.

Eligible activities for nonprofit or for-profit businesses include: inventory, operating capital, acquiring, constructing, reconstructing, rehabilitating, or installing commercial or industrial buildings, structures, and other real property equipment and improvements and providing economic development services in connection with otherwise eligible CDBG economic development activities.

PUBLIC SERVICES:

CDBG funds may pay for labor, supplies and materials, and operations and maintenance of the facility where the service occurs. However, payments must be directly related to the provision of eligible services and costs must be documented.

ELIGIBLE ACTIVITIES --

- Employment/ job training.
- Crime prevention/ public safety.
- Health and substance abuse services.
- Senior services.
- Services for homeless persons.

INELIGIBLE ACTIVITIES --

- Income payments.
- On-going operations.
- Operational costs not related to the provision of the public service.
- Political activities.
- Religious activities (such as religious events).

GAS SYSTEM IMPROVEMENTS:

ELIGIBLE ACTIVITIES --

- Replacement of existing lines (only if damaged or resulted in failure to function).
- Replacement of major equipment.
- Acquisition of real property (including ROWs/easements).

INELIGIBLE ACTIVITIES --

- Cleaning of lines.
- Improvements made necessary because of poor maintenance or operational practices.
- Replacement of minor equipment.
- Any improvements which will result in operations that are not in compliance with applicable state, federal, and local laws and regulations.

ROAD / STREET IMPROVEMENTS:

ELIGIBLE ACTIVITIES --

The repair of roads under this project type must be directly related to damages sustained as a result of the event and not a lack of maintenance.

- Construction of roadways at new locations, regardless of surface materials to be used.

- Construction of added width capacity in the form of additional lanes.
- Acquisition of additional right-of-ways for construction at new locations or for added width capacity.
- Projects that increase the structural strength of the roadway or improve service of the roadway. Generally, this refers to improvements in the surface material quality. (e.g., caliche to crushed rock, crushed rock to asphalt, etc.).
- Bridge/Culvert Replacement (where deteriorated or damaged). Bridges within the Texas Department of Transportation Bridge Program may not be eligible. These structures will be reviewed by the Texas General Land Office on a case-by-case basis.
- Curb and gutter when done in conjunction with other eligible street activities (Note: The CDBG considers curb and gutter, when eligible, to be a street improvements activity and not a drainage improvements activity).

INELIGIBLE ACTIVITIES --

- Sealcoating.
- Overlays.
- Levelups.

FIRE PROTECTION FACILITIES:

ELIGIBLE ACTIVITIES --

- Fire stations; fire trucks; fire equipment.
- Emergency power generators.

INELIGIBLE ACTIVITIES --

- Equipment and furnishings not necessary for fire protection.

NEIGHBORHOOD FACILITY/ COMMUNITY / SENIOR CENTERS/ SHELTERS:

ELIGIBLE ACTIVITIES --

- Rehabilitation or replacement of existing buildings.
- Acquisition of real property.
- Emergency power generators.
- Fixed equipment.

INELIGIBLE ACTIVITIES --

- Construction of New Shelters
- Improvements not directly related to hurricane damage or failure to function.
- Facilities that have a primary and/or sole purpose as a Point of Distribution (POD)
- Emergency Operations Centers (EOC's)
- Fueling stations

ELIGIBLE PLANNING ACTIVITIES (24 CFR 570.205):

The following is a list of eligible planning activities specified in 24 CFR Section 570.205 and should be used as a guide.

- (a) Planning activities which consist of all costs of data gathering, studies, analysis, and preparation of plans and implementing actions, including, but not limited to:

(1) Comprehensive plans;

(2) Community Development Plans;

(3) Functional Plans, in areas such as:

- (i) Land use and urban environmental design;
- (ii) Open space and recreation;
- (iii) Energy use and conservation;
- (iv) Floodplain and wetlands management in accordance with the requirements of Executive Orders 11988 and 11990;

- (v) Transportation;
- (vi) Utilities; and
- (vii) Historic preservation.

(4) Other plans and studies such as:

- (i) Small area and neighborhood plans;
- (ii) Capital improvements programs;
- (iii) Individual project plans (but excluding engineering and design cost related to a specific activity which are eligible as part of the cost of such activity under Sections 570.201-570.204);
- (iv) The reasonable costs of general environmental and historic preservation studies. However, costs necessary to comply with 24 CFR Part 58, including project specific environmental assessments and clearances for activities eligible for assistance under this Part are eligible as part of the cost of such activities under Sections 570.201 - 570.204. Costs for such specific assessments and clearances may also be incurred under this paragraph but would then be considered planning costs for the purposes of Section 570.200(g);
- (v) Strategies and action programs to implement plans, including development of codes, ordinances and regulations;
- (vi) Support of clearinghouse functions, such as those specified in Executive Order 12372; and
- (vii) Analysis of impediments to fair housing choice.

(b) Policy-planning-management-capacity building activities which enable the recipient to:

- (1) Determine its needs;
- (2) Set long-term goals and short-term objectives, including those related to urban environmental design;
- (3) Devise programs and activities to meet these goals and objectives;
- (4) Evaluate the progress of such programs and activities in accomplishing these goals and objectives; and
- (5) Carry out management, coordination and monitoring of activities necessary for effective planning implementation, but excluding the costs necessary to implement such plans.

SURVEY, CENSUS, AND BENEFICIARY DATA RESOURCES

USE OF 2000 CENSUS DATA TO DETERMINE LOW/MODERATE INCOME BENEFIT

When CDBG Disaster Recovery requirements are met, information contained in 2000 Census Summary Files (SF 3 and SF 1) can be used to identify the number of beneficiaries and the extent of benefit to low to moderate income persons for an applicant's proposed activities.

To qualify an application activity under the national program objective of principally benefitting low and moderate income persons, at least fifty-one percent (51%) of the beneficiaries of the activity must be low and moderate income persons.

Summary File 3 (SF 3) contains an extensive amount of information that is based on a sample count (from information requested on the 2000 Census long form questionnaire) of the persons located in census geographic areas.

HUD used 2000 Census SF 3 information to calculate the number and percentage of low and moderate income persons in each census geographic area in Texas. This information can be found at: www.hud.gov/offices/cpd (2003 News Archive, December of 2003).

Applicants must submit an Excel spreadsheet with 2000 Census data showing the low and moderate income benefit and corresponding census geographic areas. A sample spreadsheet may be found on the application Attachments page at <https://derric.txdrec.org/>. Applicants may obtain income data organized in Excel from the "Low-and-Moderate Income Summary Data 2010" spreadsheet located on GLO's web site.

The CDBG has obtained the HUD document that includes this information. The HUD document has the SF 3 sample count number of persons and number and percentage of low and moderate income persons, as calculated by HUD, for census geographic areas in incorporated and unincorporated areas, by place (city or census designated place), census tract, and block group.

The CDBG Disaster Recovery Program will not accept any substitution for this HUD Census-based information from any other source. Any applicant considering the use of 2000 Census data to document application activity beneficiaries may contact the CDBG Disaster Recovery staff for this information or obtain the information from the HUD website.

Summary File 1 (SF 1) information is limited to population and housing information that is based on a 100% count of persons. The number of persons located in a 2000 Census block number is available from SF 1, but the low to moderate income percentage for these persons is not available by block number.

When an applicant activity will only benefit a portion of a 2000 Census geographic area (CGA), the applicant must use SF 1 population information (100% count population) by block number to document that a significant number of the persons in the Census geographic area (at least 60% of the persons) will benefit from the activity.

The CDBG DR Program will not allow an applicant to use the HUD-calculated low to moderate income percentage for a block group unless at least 60% of the persons located in that block group will benefit from the activity.

The CDBG DR Program will only allow the use of the HUD 2000 Census-based information to qualify an activity and to document the activity beneficiaries under the following conditions:

1. The project activity will benefit all of the persons within a census geographic area or a significant number of the persons (at least 60% of the persons) within a census geographic area. The census geographic area could be a county, place, census tract, block group; or logical record number.
2. If only HUD 2000 Census-based information is used to document the LMI beneficiaries of an application activity, the low/moderate income benefit percentage must be at least 51% (not 50.99%) for a single census geographic area or for combinations of two or more census geographic areas.
3. The HUD 2000 Census-based information may be used in combination with CDBG survey beneficiaries, income eligible beneficiaries, and condition eligible beneficiaries to document the LMI beneficiaries of an application activity. Again, the activity must benefit at least 51% low to moderate income persons.

In the event that an application activity does not benefit an entire census geographic area, or a significant number of the persons within a census geographic area, then the applicant must use another method to document the beneficiaries. The applicant should then consider conducting a local CDBG survey to document the beneficiaries and the low/moderate benefit percentage for the activity. A local survey is usually the best way to document the beneficiaries of direct benefit activities.

The 2000 Census information (SF 3) and maps are available from various state agencies and from various websites. When trying to obtain information or maps, first check with your local Council of Governments, as most have these materials for their respective regions. An applicant may also contact CDBG Disaster Recovery staff for information concerning the availability of 2000 Census information. See the section in this guide on Maps or contact Disaster Recovery staff for more information on map resources available to applicants.

CDBG PROGRAM SURVEY QUESTIONNAIRE

Because the Disaster Recovery Supplemental funds were issued in 2008, survey questionnaires dated on or after January 1, 2003 are valid for beneficiary documentation purposes for DRS Program funds. However, survey tabulation must be done in a manner compliant with the requirements set forth by the most current CDBG DR Survey Methodology and Low-to-Moderate Income Summary Data (LMISD) Manual.

Refer to the agency website (www.GLO.texas.gov) for details regarding the new required CDBG DR Survey Methodology and all associated forms.

IDENTIFYING PROJECT ACTIVITY BENEFICIARIES AND CRITERIA FOR NATIONAL PROGRAM OBJECTIVES

This appendix includes descriptions of some acceptable methods that can be used by applicants to identify the beneficiaries of a proposed eligible activity and criteria for meeting a national program objective.

CDBG Disaster Recovery staff reviews the beneficiaries reported on Table 1 of the application for accuracy; for the acceptability of the method, or methods, used by an applicant to identify the beneficiaries for each proposed activity; and for compliance with the criteria for national program objectives.

Each proposed activity included in an application for CDBG Disaster Recovery funds must meet one of the three national program objectives. Depending upon the activity and the national program objective addressed by the activity, following is the outline of the criteria for meeting a national program objective and ways to identify the beneficiaries of CDBG DR eligible activities:

1. Principally benefit low and moderate income persons.
 - A. Area Benefit Activities
 - B. Limited Clientele Activities
 - C. Direct Benefit Activities
2. Aid in the prevention or elimination of slums and blight.
3. Meet other community development needs of particular urgency which represent an immediate threat to the health and safety of residents of the community.

The method, or methods, used by an applicant to identify the beneficiaries of an activity are based on the type of activity proposed and the persons that could or will actually benefit from the proposed activity.

ACTIVITIES PRINCIPALLY BENEFITTING LOW AND MODERATE INCOME PERSONS

An activity will be considered to address the national program objective of principally benefitting low and moderate income persons if it meets the area benefit activity or limited clientele activity criteria described here, unless there is substantial evidence that the activity does not principally benefit low and moderate income persons.

A. AREA BENEFIT ACTIVITIES

Activities, of which the benefits are available to all the residents in a particular area, where at least 51 percent of the residents are low-and-moderate income persons. The residents claimed as beneficiaries in the target area must be based on the entire area served by the activity. An activity that serves an area that is not primarily residential in character shall not qualify under the area benefit criterion.

B. LIMITED CLIENTELE ACTIVITIES

An activity which benefits at least 51 percent low-and-moderate income persons. To qualify as a limited clientele activity, the activity must meet one of the following tests:

1. The activity must benefit a clientele who are generally presumed to be principally low and moderate income persons. Activities that exclusively serve a group of persons in any one or a combination of the following categories may be presumed to benefit persons, 51 percent of whom are low and moderate income:
 - elderly persons (age 62 and over)
 - abused children
 - battered spouses
 - homeless persons
 - illiterate adults
 - migrant farm workers
 - persons living with AIDS
 - adults meeting the Bureau of the Census' Current Population Reports definition of "severely disabled,"
2. The activity must require information on family size and income so that it is evident that at least 51 percent of the clientele are persons whose family income does not exceed the low and moderate income limit.
3. The activity must have income eligibility requirements which limit the activity exclusively to low and moderate income persons.
4. The activity must be of such a nature, and be in such a location, that it may be concluded that the activity's clientele will primarily be low and moderate income persons.

C. DIRECT BENEFIT ACTIVITIES

Low-to-Moderate Income Jobs

A Low-to-Moderate Income Jobs activity is one that requires units of local governments, for job retention or creation activities, to document that either or both of the following conditions apply to at least 51 percent of the jobs at the time

CDBG Disaster Recovery assistance is provided: 1) the jobs are known to be held by low or moderate income persons, or 2) the jobs can be expected to turn over within two years and be filled by or made available to low or moderate income persons upon turnover.

COMPLIANCE REQUIREMENTS

Applicants awarded Disaster Recovery funds must comply with several key federal and state laws in the local administration of the program. To inform applicants in advance of these major statutory requirements, this section includes a brief description of those key laws and regulations that will affect project costs and/or the local time frame for construction activities.

1. Housing and Community Development Act of 1974, as amended

This law authorized the Community Development Block Grant program in 1974, and state administration of the non-entitlement program in 1981. This Act has been subsequently amended to include other requirements discussed below.

2. 24 CFR Part 570, Subpart I

Contains regulations governing state administration of Community Development Block Grant nonentitlement funds. Some of the state program requirements included in the regulations are eligible activity requirements, national program objectives requirements, citizen participation requirements, local government requirements, and program administrative requirements. The regulations also include conflict of interest provisions at 570.489 (h) that cover any person who is an employee, agent, consultant, officer, or elected official of the state or of a unit of general local government. For information on conflict of interest provisions as they apply to the Disaster Recovery Program see the Conflict of Interest Statement section in this guide. Disaster Recovery citizen participation requirements may be found in the guide section titled Citizen Participation Plan.

i. Additional program requirements specific to Disaster Recovery funds regarding *Disaster Recovery Grantees Under 2008 Supplemental CDBG Appropriations* may be found in **Federal Register** / Vol. 74, No. 29 / Friday, February 13, 2009, and in **Federal Register** / Vol. 74, No. 156 / Friday, August 14, 2009.

3. Uniform Grant Management Standards (UGMS)

UGMS, developed under the directive of the Uniform Grant and Contract Management Act of 1981, Chapter 783, Texas Government Code, contains the federal requirements (including U.S. Office of Management and Budget (OMB) Circular A-87 and the text of the "Common Rule" of OMB Circular A-102) regarding uniform cost principles and administrative accounting, reporting, and auditing standards for local contract recipients. These include, but are not limited to, the following: Financial Management/Cost Allowability; Bonding and Insurance; Retention and Custodial Requirements for Records; Financial Reporting Requirements; Grant Payment Requirements; Grant Close-out; Property Management Standards; and Procurement Standards.

Standards for the procurement of professional services (administration, engineering, etc.) include the establishment of a system to ensure that equipment, material, and services are obtained as efficiently and economically as possible; that procurement is accomplished through an open and competitive process; and, that contracts are managed with good administrative practices and sound business judgment. Included are affirmative steps by a grantee to subgrantee to assure that minority firms, women's business enterprises and labor surplus area firms are used when possible.

4. State of Texas' Professional Services Procurement Act (Texas Government Code, Chapter 2254)

Under this law, no state agency, county, municipality, district, authority, or publicly-owned utility shall make any contract for, or engage the professional services of any licensed architect, certified public accountant, land surveyor, or registered engineer, selected on the basis of competitive bids submitted for such contract or for such services to be performed, but shall select and award such contracts and engage such services on the basis of demonstrated competence and qualifications for the type of professional services to be performed and at fair and reasonable prices, as long as professional fees are consistent with and not higher than the published recommended practices and fees of the various applicable professional associations and do not exceed the maximum provided by any state law. The imposition of fees must be one factor considered by any agency in awarding a contract for such professional services; however, it cannot be the only factor considered.

5. Texas Engineering Practice Act, Texas Occupation Code, Title 6, Subtitle A, Chapter 1001

Requires a State-registered professional engineer be utilized for preparation of plans, specifications, estimates, and construction supervision for all public works projects of higher than \$8,000.

6. Texas Occupation Code, Title 6, Subtitle B, Chapter 1051

Requires that any person practicing architecture in the State of Texas must be registered with the Texas Board of Architectural Examiners.

7. National Environmental Policy Act (NEPA) of 1969 and HUD implementing regulations (24 CFR Part 58)

Requires all federally-funded projects to go through an environmental review procedure, defined by HUD, prior to release of CDBG Disaster Recovery contract funds for construction. Additionally, construction costs cannot be incurred prior to the environmental clearance. HUD has defined these clearance procedures in the above-referenced regulations. Please note that most CDBG Disaster Recovery-funded projects will require a written environmental assessment, publication of appropriate public notices, and local/state comments periods (approximately 35 days) before GLO can give written clearance to allow construction costs to be incurred.

8. Executive Order 11988, Floodplain Management, May 24, 1977 and Flood Disaster Protection Act of 1973, as amended

Requires all federally funded projects with habitable structures, publicly occupied structures, or critical structures located in the 100-year floodplain (500-year floodplain for critical structures) to comply with the eight-step guidelines set forth by the U.S. Water Resources

Council's Floodplain Management Guidelines (Fed. Reg., Feb. 10, 1978). Briefly, these guidelines include providing the public the opportunity for an early public review of the proposed project, holding a public hearing, considering alternatives, and publishing the findings and a public explanation. Please note that this requirement can be incorporated into the public hearing(s) on the application. The Flood Disaster Protection Act of 1974, as amended, requires that contractor localities with projects such as housing rehabilitation and/or public facilities located in the 100-year floodplain or special flood hazard area participate in the National Flood Insurance Program as a prerequisite to federal financial assistance.

9. The National Historic Preservation Act of 1966, as amended

Requires that properties that are on the National Register of Historic Places or potentially may be nominated for inclusion go through an architectural and historical review by the State Historic Preservation Officer (Texas Historical Commission).

10. Elimination of Architectural Barriers (Article 9102, Texas Revised Civil Statutes)

Requires that the plans and specifications for projects involving renovations or improvements to buildings or new construction of buildings having an estimated construction cost of \$50,000 or more be approved by the Texas Department of Licensing and Regulation.

11. Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, and implementing regulation (49 CFR part 24), with waivers as allowed under Federal Notice [Docket No. FR-5256-N-01] regarding *Disaster Recovery Grantees Under 2008 Supplemental CDBG Appropriations*

Generally requires that federally defined procedures be followed in acquiring any real property and/or in relocating any households/businesses needing relocation as a result of CDBG funded activities. These procedures are fairly complex, but generally require payment of fair market value (established by a property appraisal) and reasonable benefits to affected persons. Please note that this law also covers all needed easements and rights-of-way.

12. Equal Employment Opportunity

There are several federal and state laws and executive orders that are designed to ensure equal opportunity in the use of CDBG contract funds in the following areas: program benefits, employment, fair housing, and the use of minority business enterprises.

13. Special Assessments Restrictions

As one of the recent amendments to the Housing and Community Development Act of 1974, localities generally are prohibited from levying special assessments (including service connections and tap-on fees) that could restrict the access of low to moderate income persons to a public facility/utility constructed with CDBG Disaster Recovery funds.

When permitted by GLO, localities may levy special assessments against property owned and occupied by moderate income persons, when meeting certain provisions. This should especially be noted in the preparation of project budget estimates, as the cost of service connections and related fees on most types of public facilities projects need to be included to guarantee benefit to low to moderate income persons.

14. Davis Bacon and Related Acts

These federal laws establish the labor standards that must be followed in carrying out federally funded construction activities. These include, but are not limited to, the following:

Payment by construction contractors of the federally determined (U.S. Department of Labor) prevailing wage rates to all construction workers and mechanics.

Payment of overtime (time and one-half the hourly rate of pay) to all construction workers working over forty hours a week.

Compliance with Fair Labor Standards Act requirements for all local government employees regarding overtime (time and one-half or compensatory time at the same rate for all overtime over 40 hours per week) for all non-exempt employees.

15. Texas Local Government Code Ann., Chapters 252 and 262

Requires that all public works projects of more than \$50,000 contracted out by a locality (including materials purchase contracts for the same, using city/county employees for actual construction) must be awarded through the use of competitive bidding. Also stipulates a minimum 2-week public advertisement requirement.

16. The Single Audit Act of 1984 and Single Audit Act Amendments of 1996

Requires that state and local government recipients of federal financial assistance in excess of \$500,000 a year conduct an annual organization-wide audit in accordance with OMB Circular No. A-133. Additionally, each locality is required to have an approved federal or state "cognizant agency". This cognizant agency generally is the agency which has provided the locality with the largest percentage of federal funds.

17. Other Special Conditions

Depending on the type of project being funded, other federal/state requirements will be included in contracts. Major ones are:

Texas Commission on Environmental Quality review/approval of plans and specifications for all water and sewer projects, as needed.

Approval of a wastewater discharge permit or needed amendment by the Texas Commission on Environmental Quality on sewer projects, as needed.

REPORTING

Each entity, local or county government that is awarded a contract under the CDBG Disaster Recovery Program must report in accordance with the requirements specified in the contract.

GLO will establish, by rule, procedures to collect data relevant to actions to affirmatively further fair housing and civil rights certifications. Recipients will be required to report relevant data to GLO on a quarterly basis.

For each non-housing program activity directly linked to an individual beneficiary, reporting shall include:

1. Household Income
2. Household Income as percentage of area median family income (AMFI)
3. Race/ethnicity data

For activities principally benefitting low-and-moderate income persons:

Using Census data:

1. Description detailing methodology used
2. Geographic description of census geographies used to determine benefit

Using Household Surveys

1. Description of methodology and data including:
 - Survey questionnaires
 - Survey tabulation forms
 - Sampling methodology
 - Correspondence & other material as needed

This information will be posted to the GLO website per the requirements of the Conciliation agreement. **All copies of final applications will be posted in their entirety to the GLO website.**

FEDERAL FUNDING ACCOUNTABILITY AND TRANSPARENCY ACT (FFATA)

September of 2006 the President signed the Federal Funding Accountability and Transparency Act (FFATA) requiring the Office of Management and Budget (OMB) to develop a publicly available, free-of-charge, searchable website on federal funding. Federal funding includes grants, subgrants, loans, awards, cooperative agreements, and other forms of financial assistance.

The Texas General Land Office will be responsible for providing the name of entities receiving awards, the amount of the awards, transaction types (grant, loan, etc.), funding agency, Catalog of Federal Domestic Assistance (CFDA) number, program source, and a descriptive award title for all CDBG DR Program awards. Additional information deemed relevant by the OMB must also be provided. Furthermore, the Act requires that required data be made available within 30 days of the award.